
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 2021.

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, 2021, and
13 ending June 30, 2023. 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.



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID.	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2021-2022	M O F	FISCAL YEAR 2022-2023	M O F
1		Hawaiian Affairs					
2	1.	OHA150 - OFFICE OF THE TRUSTEES					
3				0.47*		0.47*	
4		OPERATING	OHA		0A		0A
5				4.53*		4.53*	
6			OHA	275,687T		275,687T	
7							
8	2.	OHA160 - ADMINISTRATION					
9				5.03*		5.03*	
10		OPERATING	OHA		0A		0A
11				31.97*		31.97*	
12			OHA	2,861,727T		2,861,727T	
13							
14	3.	OHA175 - BENEFICIARY ADVOCACY					
15				1.47*		1.47*	
16		OPERATING	OHA	2,254,400A		2,254,400A	
17				18.53*		18.53*	
18			OHA	3,292,290T		3,292,290T	
19							



1 funds expended for the purposes of this section shall be in
2 accordance with chapter 103D or 103F, Hawaii Revised Statutes,
3 or a competitive grants process, as appropriate.

4 SECTION 7. Provided that of the funds appropriated for
5 beneficiary advocacy (OHA175), the sum of \$615,000 in general
6 funds and \$615,000 in trust funds for fiscal year 2021-2022 and
7 the same sums for fiscal year 2022-2023 shall be expended to
8 provide for educational improvement programs for native Hawaiian
9 students; provided further that program activities shall be
10 designed to help native Hawaiian students succeed academically;
11 and provided further that notwithstanding section 10-17(e),
12 Hawaii Revised Statutes, any expenditures for the purposes of
13 this section shall be in accordance with chapter 103D or 103F,
14 Hawaii Revised Statutes, or a competitive grants process, as
15 appropriate.

16 SECTION 8. Provided that of the funds appropriated for
17 beneficiary advocacy (OHA175), the sum of \$524,400 in general
18 funds and \$524,400 in trust funds for fiscal year 2021-2022 and
19 the same sums for fiscal year 2022-2023 shall be expended to
20 provide for legal services and legal representation to Office of
21 Hawaiian Affairs beneficiaries for:



- 1 (1) The assertion and defense of quiet title actions;
- 2 (2) Assistance with ahupuaa and kuleana tenant rights,
- 3 including rights of access and rights to water;
- 4 (3) Land title assistance, including review of title
- 5 and genealogy;
- 6 (4) Preservation of traditional and customary
- 7 practices;
- 8 (5) Protection of culturally significant places;
- 9 (6) Preservation of native Hawaiian land trust
- 10 entitlements; and

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

15 **PART IV. RELEASE OF PRIOR FUNDS**

16 SECTION 9. Act 37, Session Laws of Hawaii 2019, is amended
 17 by amending section 8 to read as follows:

18 "SECTION 8. [~~(a) Provided that of the trust funds~~
 19 ~~appropriated in part II of this Act, the sum of \$500,000 for~~
 20 ~~fiscal year 2019-2020 shall be expended for the costs for the~~

1 ~~auditor to conduct or contract for a financial and management~~
2 ~~audit of the Office of Hawaiian Affairs.~~
3 ~~— The auditor shall submit a report of the findings and~~
4 ~~recommendations of the audit to the legislature, governor, and~~
5 ~~the chairperson of the board of trustees of the office of~~
6 ~~Hawaiian affairs no later than twenty days prior to the~~
7 ~~convening of the regular session of 2020.~~

8 ~~— (b)]~~ Provided that the general funds appropriated for
9 fiscal year 2020-2021 pursuant to part II of this Act shall not
10 be released to the Office of Hawaiian Affairs until after the
11 ~~[audit report required by subsection (a)]~~ CLA - OHA & LLCs
12 Contract and Disbursement Review - Report, dated December 4,
13 2019, is received by the legislature."

14 SECTION 10. The general funds appropriated for fiscal year
15 2020-2021 pursuant to part II of Act 37, Session Laws of Hawaii
16 2019, shall not lapse at the end of the fiscal year for which
17 the appropriation is made; provided that all moneys from the
18 appropriation that are unencumbered as of June 30, 2022, shall
19 lapse as of that date.

20 SECTION 11. Provided that of the general funds
21 appropriated for beneficiary advocacy (OHA175), the sum of



1 \$200,000 for fiscal year 2021-2022 shall be expended to conduct
2 or contract for a follow-up contract and disbursement review of
3 the CLA - OHA & LLCs Contract and Disbursement Review - Report,
4 dated December 4, 2019.

5 **PART V. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

6 SECTION 12. Provided that whenever necessary, the board of
7 trustees of the Office of Hawaiian Affairs or the board's
8 designee may transfer sufficient funds and positions between
9 programs for operating purposes; provided further that these
10 transfers shall be consistent with legislative intent; and
11 provided further that the Office of Hawaiian Affairs shall
12 submit a report to the legislature of all uses of this authority
13 for the previous twelve month period from December 1 to November
14 30, no later than twenty days prior to the convening of the
15 regular sessions of 2022 and 2023.

16 SECTION 13. If any provision of this Act, or the
17 application thereto to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable. If any portion of a specific



1 appropriation is held to be invalid for any reason, the
2 remaining portion shall be expended to fulfill the objective of
3 that appropriation to the extent possible.

4 SECTION 14. If manifest clerical, typographical, or other
5 mechanical errors are found in this Act, the board of trustees
6 of the Office of Hawaiian Affairs may correct these errors. All
7 changes made pursuant to this section shall be reported to the
8 legislature at its next session.

9 SECTION 15. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 16. This Act shall take effect on July 1, 2021;
12 provided that sections 9 and 10 of this Act shall take effect
13 retroactive to June 30, 2021.



Report Title:

OHA Budget; Program Appropriations; Operating Costs

Description:

Appropriates funds for Fiscal Biennium 2021-2023 for the Office of the Trustees (OHA150), Office of Hawaiian Affairs Administration (OHA160), and Beneficiary Advocacy (OHA175). Amends Act 37, SLH 2019. Effective 7/1/2021. (CD1)

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