

JAN 22 2021

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# 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. Unless otherwise clear from the  
6 context, as used in this Act:

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. The letter symbols, where used,  
11 shall have the following meanings:

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 the abbreviation for the office of  
5 Hawaiian affairs (OHA) followed by the organization number for  
6 the 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 hereby appropriated or  
11 authorized from the means of financing specified to the office  
12 of Hawaiian affairs for the fiscal biennium beginning July 1,  
13 2021, and ending June 30, 2023. The total expenditures and the  
14 number of positions in each fiscal year of the biennium shall  
15 not exceed the sums and the numbers indicated for each fiscal  
16 year, except as provided elsewhere in this Act, or as provided  
17 by general law.



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## 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				0.00#		0.00#	
5		OPERATING	OHA	58,323A		58,323A	
6				4.53*		4.53*	
7				0.00#		0.00#	
8			OHA	275,687T		275,687T	
9							
10	2.	OHA160 - ADMINISTRATION					
11				5.03*		5.03*	
12				0.00#		0.00#	
13		OPERATING	OHA	1,124,042A		1,124,042A	
14				31.97*		31.97*	
15				0.00#		0.00#	
16			OHA	2,861,727T		2,861,727T	
17							
18	3.	OHA175 - BENEFICIARY ADVOCACY					
19				1.47*		1.47*	
20				0.00#		0.00#	
21		OPERATING	OHA	1,855,514A		1,855,514A	
22				18.53*		18.53*	
23				0.00#		0.00#	
24			OHA	3,292,290T		3,292,290T	
25							



1                                   **PART III. PROGRAM PROVISIONS**

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

5           SECTION 5. Provided that, of the funds appropriated for  
6 beneficiary advocacy (OHA175), the sum of \$415,000 in general  
7 funds and \$415,000 in trust funds for fiscal year 2021-2022 and  
8 the same sums for fiscal year 2022-2023 shall be expended to  
9 provide for social services, including referral services and  
10 case management, to at-risk office of Hawaiian affairs  
11 beneficiaries to immediately address unexpected crises; provided  
12 further that program activities shall be designed with an  
13 overall objective to provide financial assistance to improve  
14 stability during emergency situations; and provided further  
15 that, notwithstanding section 10-17(e), Hawaii Revised Statutes,  
16 any funds expended for the purposes of this section shall be in  
17 accordance with chapter 103D or 103F, Hawaii Revised Statutes,  
18 or a competitive grants process, as appropriate.

19           SECTION 6. Provided that, of the funds appropriated for  
20 beneficiary advocacy (OHA175), the sum of \$615,000 in general  
21 funds and \$615,000 in trust funds for fiscal year 2021-2022 and

1 the same sums for fiscal year 2022-2023 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 2021-2022 and  
13 the same sums for fiscal year 2022-2023 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 **PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

9 SECTION 8. Provided that, whenever necessary, the board of  
10 trustees of the office of Hawaiian affairs or the board's  
11 designee may transfer sufficient funds and positions between  
12 programs for operating purposes; provided further that these  
13 transfers shall be consistent with legislative intent; and  
14 provided further that the office of Hawaiian affairs shall  
15 submit a report to the legislature of all uses of this authority  
16 for the previous twelve-month period from December 1 to November  
17 30, no later than twenty days prior to the regular sessions of  
18 2022 and 2023.

19 SECTION 9. If any portion of this Act or its application  
20 to any person, entity, or circumstance is held to be invalid for  
21 any reason, the legislature declares that the remainder of the



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1 Act and each and every other provision thereof shall not be  
2 affected thereby. If any portion of a specific appropriation is  
3 held to be invalid for any reason, the remaining portion shall  
4 be expended to fulfill the objective of the appropriation to the  
5 extent possible.

6 SECTION 10. In the event manifest clerical, typographical,  
7 or other mechanical errors are found in this Act, the board of  
8 trustees of the office of Hawaiian affairs is authorized to  
9 correct these errors. All changes made pursuant to this section  
10 shall be reported to the legislature at its next session.

11 SECTION 11. This Act shall take effect on July 1, 2021.

12

INTRODUCED BY:   
By Request



# S.B. NO. 389

**Report Title:**

Office of Hawaiian Affairs Package; OHA Budget; Program Appropriations; Operating Costs

**Description:**

Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2021, and ending on 6/30/2023.

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

