

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

3 **PART III. PROGRAM PROVISIONS**

4 SECTION 4. Provided that of the funds appropriated for
5 beneficiary advocacy, the sum of \$500,000 in general funds and
6 \$500,000 in trust funds for fiscal year 2023-2024 and the same
7 sums for fiscal year 2024-2025 shall be expended for office of
8 Hawaiian affairs beneficiaries for occupancy-ready housing
9 needs.

10 SECTION 5. Provided that of the funds appropriated for
11 beneficiary advocacy, the sum of \$415,000 in general funds and
12 \$415,000 in trust funds for fiscal year 2023-2024 and the same
13 sums for fiscal year 2024-2025 shall be expended to provide for
14 social services, including referral services and case
15 management, to at-risk office of Hawaiian affairs beneficiaries
16 to immediately address unexpected crises; provided further that
17 program activities shall be designed with an overall objective
18 to provide financial assistance to improve stability during
19 emergency situations; provided further that notwithstanding
20 section 10-17(e), Hawaii Revised Statutes, any funds expended
21 for the purpose of this section shall be in accordance with



1 chapter 103D or 103F, Hawaii Revised Statutes, or a competitive
2 grants process, as appropriate.

3 SECTION 6. Provided that of the funds appropriated for
4 beneficiary advocacy, the sum of \$615,000 in general funds and
5 \$615,000 in trust funds for fiscal year 2023-2024 and the same
6 sums for fiscal year 2024-2025 shall be expended to provide for
7 educational improvement programs for Native Hawaiian students;
8 provided further that program activities shall be designed to
9 help Native Hawaiian students prepare for post-secondary
10 education and economic stability pursuits to support families
11 and communities; provided further that notwithstanding section
12 10-17(e), Hawaii Revised Statutes, any expenditures for the
13 purposes of this section shall be in accordance with chapter
14 103D or 103F, Hawaii Revised Statutes, or a competitive grants
15 process, as appropriate.

16 SECTION 7. Provided that of the funds appropriated for
17 beneficiary advocacy, the sum of \$600,000 in general funds and
18 \$600,000 in trust funds for fiscal year 2023-2024 and the same
19 sums for fiscal year 2024-2025 shall be expended to provide for
20 legal services and legal representation to office of Hawaiian
21 affairs beneficiaries for:



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

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

20 SECTION 8. Provided that of the funds appropriated for
21 beneficiary advocacy, the sum of \$500,000 in general funds and



1 \$500,000 in trust funds for fiscal year 2023-2024 and the same
2 sums for fiscal year 2024-2025 shall be expended for protections
3 of 'āina (land and water), including climate change adaptation
4 and mitigation strategies and practices.

5 SECTION 9. Provided that of the funds appropriated for
6 beneficiary advocacy, the sum of \$370,000 in general funds and
7 \$370,000 in trust funds for fiscal year 2023-2024 and the same
8 sums for fiscal year 2024-2025 shall be expended for 'ohana
9 (families and communities) economic stability.

10 **PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

11 SECTION 10. In accordance with section 9 of article VII of
12 the Hawaii State Constitution and sections 37-91 and 37-93,
13 Hawaii Revised Statutes, the legislature has determined that the
14 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1,
15 C.D. 1, will cause the state general fund expenditure ceiling
16 for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or
17 10 per cent. In addition, the appropriations contained in this
18 Act will cause the general fund expenditure ceiling for fiscal
19 year 2023-2024 to be further exceeded by \$3,000,000 or 1 per
20 cent. The combined total amount of general fund appropriations
21 contained in only these two Acts will cause the state general



1 fund expenditure ceiling for fiscal year 2023-2024 to be
2 exceeded by \$1,066,767,367 or 11 per cent. The reasons for
3 exceeding the general fund expenditure ceiling are that:

4 (1) The appropriation made in this Act is necessary to
5 serve the public interest; and

6 (2) The appropriation made in this Act meets the needs
7 addressed by this Act.

8 SECTION 11. Provided that, whenever necessary, the board
9 of trustees of the office of Hawaiian affairs or the board's
10 designee may transfer sufficient funds and positions between
11 programs for operating purposes; provided further that these
12 transfers shall be consistent with legislative intent; provided
13 further that the office of Hawaiian affairs shall submit a
14 report to the legislature of all uses of this authority for the
15 previous twelve-month period from December 1 to November 30, no
16 later than twenty days prior to the regular sessions of 2024 and
17 2025.

18 SECTION 12. If any portion of this Act or its application
19 to any person, entity, or circumstance is held to be invalid for
20 any reason, the legislature declares that the remainder of the
21 Act and each and every other provision thereof shall not be



1 affected thereby. If any portion of a specific appropriation is
2 held to be invalid for any reason, the remaining portion shall
3 be expended to fulfill the objective of such appropriation to
4 the extent possible.

5 SECTION 13. In the event manifest clerical, typographical,
6 or other mechanical errors are found in this Act, the board of
7 trustees of the office of Hawaiian affairs is authorized to
8 correct these errors. All changes made pursuant to this section
9 shall be reported to the legislature at its next session.

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



H.B. NO. 133
H.D. 1
S.D. 2
C.D. 1

Report Title:

Office of Hawaiian Affairs Package; Budget; Expenditure Ceiling

Description:

Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023 and ending on 6/30/2025. (CD1)

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

2023-3454 HB133 CD1 HMSO

