### HOUSE OF REPRESENTATIVES THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

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H.B. NO. <sup>133</sup> H.D. 1 S.D. 2 C D 1

### A BILL FOR AN ACT

PART I. GENERAL PROVISIONS

PART II. PROGRAM APPROPRIATIONS

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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 2023.

6 SECTION 2. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$3,000,000 or so much
8 thereof as may be necessary for fiscal year 2023-2024 and the
9 same sum or so much thereof as may be necessary for fiscal year
10 2024-2025 for beneficiary advocacy.

11 The sums appropriated shall be expended by the office of 12 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.

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

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### 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.

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

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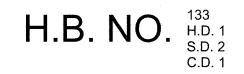
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chapter 103D or 103F, Hawaii Revised Statutes, or a competitive
 grants process, as appropriate.

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

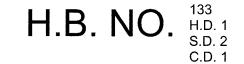
16 SECTION 7. Provided that of the funds appropriated for 17 beneficiary advocacy, the sum of \$600,000 in general funds and 18 \$600,000 in trust funds for fiscal year 2023-2024 and the same 19 sums for fiscal year 2024-2025 shall be expended to provide for 20 legal services and legal representation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

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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 S	tatutes, any funds expended for the purposes of this
18	section s	hall be made in accordance with chapter 103D or 103F,
19	Hawaii Re	vised Statutes, as appropriate.
20	SECT	ION 8. Provided that of the funds appropriated for
21	beneficia	ry advocacy, the sum of \$500,000 in general funds and

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\$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.

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### 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 for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 16 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

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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

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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.



### 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.

