

## ACT 276

H.B. NO. 195

A Bill for an Act Relating to the Office of Hawaiian Affairs Budget.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to appropriate funds for the biennial budget of the office of Hawaiian affairs.

SECTION 2. Unless otherwise clear from the context, as used in this Act:

(a) "Program ID" means the unique identifier for the specific program, and consists of the abbreviation for the office of Hawaiian affairs followed by a designated number for the program.

(b) "Means of Financing," or "MOF," means the source from which funds are appropriated or authorized, as the case may be, to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. Such letter symbols, where used, shall have the following meanings:

A General funds

B Special funds

(c) "Position ceiling" means the maximum number of permanent positions authorized for a particular program during a specified period or periods, as noted by an asterisk.

SECTION 3. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized, as the case may be, from the sources of funding specified to the office of Hawaiian affairs for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995. The total general fund expenditures and the number of permanent positions established in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided elsewhere in this Act.

## PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 1993-94	M O F	FISCAL YEAR 1994-95	M O F
<b>Office of Hawaiian Affairs</b>							
1.	OHA100	POLICY AND ADMINISTRATION					
	OPERATING		OHA	10.00*		10.00*	
			OHA	434,669A		434,669A	
			OHA	10.00*		10.00*	
			OHA	457,069B		437,069B	
2.	OHA101	ADMINISTRATIVE SERVICES					
	OPERATING		OHA	5.50*		5.50*	
			OHA	537,559A		541,987A	
			OHA	5.50*		5.50*	
			OHA	540,981B		546,434B	
3.	OHA102	PUBLIC INFORMATION					
	OPERATING		OHA	2.25*		2.25*	
			OHA	226,657A		224,207A	
			OHA	2.25*		2.25*	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 1993-94	M O F	FISCAL YEAR 1994-95	M O F
			OHA	228,362B		226,058B	
4.	OHA103	-HUMAN RESOURCES					
	OPERATING		OHA	1.25*		1.25*	
			OHA	392,776A		407,891A	
			OHA	1.25*		1.25*	
			OHA	394,763B		409,877B	
5.	OHA104	-PLANNING AND RESEARCH					
	OPERATING		OHA	2.25*		1.75*	
			OHA	237,699A		137,444A	
			OHA	2.25*		1.75*	
			OHA	253,401B		153,146B	
6.	OHA105	-CULTURE					
	OPERATING		OHA	4,599A		4,599A	
			OHA	3.00*		3.00*	
			OHA	199,897B		249,897B	
7.	OHA106	-GOVERNMENT AND COMMUNITY AFFAIRS					
	OPERATING		OHA	1.25*		1.25*	
			OHA	66,102A		62,699A	
			OHA	1.25*		1.25*	
			OHA	91,298B		87,896B	
8.	OHA107	-LAND AND NATURAL RESOURCES					
	OPERATING		OHA	2.50*		2.50*	
			OHA	583,370A		583,370A	
			OHA	2.50*		2.50*	
			OHA	585,276B		585,276B	
9.	OHA108	-ECONOMIC DEVELOPMENT					
	OPERATING		OHA	5.50*		5.50*	
			OHA	512,744A		504,875A	
			OHA	5.50*		5.50*	
			OHA	526,521B		518,651B	
10.	OHA109	-EDUCATION					
	OPERATING		OHA	3.50*		3.50*	
			OHA	449,991A		470,885A	
			OHA	3.50*		3.50*	
			OHA	540,024B		564,498B	
11.	OHA110	-HOUSING					
	OPERATING		OHA	1.75*		1.75*	
			OHA	134,038A		85,239A	
			OHA	1.75*		1.75*	
			OHA	135,294B		86,495B	

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

SECTION 5. Provided that whenever the need arises, the chairperson of the trustees for the office of Hawaiian affairs is authorized to transfer sufficient funds and positions between programs for research and development and operating purposes; provided further that these transfers shall not be inconsistent with legislative

intent; and provided further that a report itemizing the funds, positions, and reasons for each transfer shall be made to the legislature no later than twenty days prior to the convening of the 1994 and the 1995 regular sessions.

SECTION 6. Provided that, except as otherwise appropriated or authorized, as the case may be, the office of Hawaiian affairs and the State of Hawaii shall share equally in the costs of wages and fringe benefits for employees of the office of Hawaiian affairs; provided further that, for the purposes of this Act, "fringe benefits" means benefits received by public employees, including hospital, medical, and dental care under the public employees health fund, temporary disability insurance, workers' compensation, social security, and retirement benefits.

SECTION 7. Provided that the office of the auditor shall conduct financial and management audits of the office of Hawaiian affairs that shall include but not be limited to review and evaluation of: (1) the management and use of all general, special, and revolving fund monies, and all other monies and assets, under the control of the office of Hawaiian affairs; (2) the internal control structure of the office of Hawaiian affairs, including any deficiencies, whether minor or substantial, and any failure to correct, in whole or in part, deficiencies identified in previous financial or management audits of the office; and (3) the statutory authority for the office of Hawaiian affairs policies and procedures pertaining to use of general, special or revolving funds; provided further that these audits shall be submitted to the legislature for review no later than twenty days prior to the convening of the 1994 regular session.

SECTION 8. Provided that the office of Hawaiian affairs shall report on the accomplishments and status of the native Hawaiian land title project contractually administered through the Native Hawaiian Legal Corporation (NHLC) during the fiscal year 1992-1993 and 1993-1994; provided further that each report shall include, but not be limited to:

- (1) A listing and summary of the status of all title cases handled by the NHLC and a review of requests which the NHLC has declined to handle;
- (2) The current status of each case handled by NHLC; and
- (3) A detailed summary of the expenditures to date and projected future costs;

provided further that each respective report shall be submitted to the legislature no later than twenty days prior to the convening of the 1994 and 1995 regular sessions.

SECTION 9. Provided that the office of Hawaiian affairs shall submit detailed reports itemizing all intrastate and interstate travel for each trustee, office of Hawaiian affairs staff member, and any other person for whom the costs of intrastate or interstate travel have been paid or reimbursed, in whole or in part, by the office of Hawaiian affairs during fiscal year 1992-1993 and 1993-1994; provided further that each report shall specify the number of intrastate and interstate trips by type of meeting, workshop, conference or business meeting attended; provided further that the information concerning intrastate and interstate travel shall be differentiated and reported separately in each report; and provided further that the respective reports shall be submitted to the legislature no later than twenty days prior to the convening of the 1994 and 1995 regular sessions.

SECTION 10. Provided that of the funds appropriated for the office of Hawaiian affairs in accordance with the provisions of section 6 of this Act, the total

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special funded share of the fringe benefits cost for employees from each program shall be as follows:

	Fiscal Year 1993-1994	Fiscal Year 1994-1995
OHA 100:	\$82,803	\$82,803
OHA 101:	\$40,563	\$41,588
OHA 102:	\$18,785	\$18,931
OHA 103:	\$ 9,204	\$ 9,204
OHA 104:	\$15,702	\$15,702
OHA 105:	\$ 3,138	\$ 3,138
OHA 106:	\$10,303	\$10,303
OHA 107:	\$19,954	\$19,954
OHA 108:	\$40,555	\$40,555
OHA 109:	\$20,351	\$20,351
OHA 110:	\$ 9,179	\$ 9,179;

provided further that for the purposes of this section, the definition for fringe benefits shall be defined in section 6 of this Act.

SECTION 11. Provided that of the funds appropriated for human resources (OHA 103), the sum of \$298,000 in general funds and \$298,000 in special funds for fiscal year 1993-94 and the sum of \$313,000 in general funds and \$313,000 in special funds for fiscal year 1994-95 shall be expended for services-on-a-fee work contracted to Alu Like, Inc.

SECTION 12. Provided that of the funds appropriated for planning and research (OHA 104), the sum of \$6,930 in general funds and \$6,930 in special funds for fiscal year 1993-94 shall be expended for a pilot program for community planner training in the counties of Maui and Kauai; provided further that the sum of \$4,000 in general funds and \$4,000 in special funds for fiscal year 1993-94 shall be appropriated for pilot mini-grant programs for community based plans and projects in the counties of Maui and Kauai; provided further that successful completion of the community planner training and mini-grant training programs shall be required for participation in the office of Hawaiian affairs housing division's proposed affordable housing self-help grant program; provided further that non-profit groups which submit evidence of having previously completed all phases of a self-help housing project may be considered for exemption from these training programs; and provided further that the office of Hawaiian affairs shall submit to the legislature no later than twenty days prior to the convening of the 1994 regular session, an evaluation of the community planning training program and the mini-grant program as prerequisites and partial justification for the funding of any self-help affordable housing programs for fiscal year 1994-95.

SECTION 13. Provided that of the funds appropriated for planning and research (OHA 104), the sum of \$60,000 in general funds and \$60,000 in special funds for fiscal year 1993-94 shall be expended to conduct independent program evaluations of programs funded by the legislature during fiscal biennium 1991-93; provided further that for each evaluation, the report shall include but not be limited to identification of the goals and purpose of each program, evaluation of effectiveness of each program in meeting the stated goals, and recommendations for program changes, including but not limited to recommendations for deletion or expansion and any other changes; provided further that programs selected for

evaluation shall include but not be limited to programs conceived, developed, or operated by the office of Hawaiian affairs and programs undertaken on a contract or services-on-a-fee basis; provided further that programs shall be evaluated with respect to alternative programs that may be available; provided further that the report shall detail the costs incurred for each evaluation and that the office of Hawaiian affairs shall submit the criteria by which programs are evaluated; provided further that a status report on all programs funded by the legislature during fiscal year 1993-94 shall be submitted by the office of Hawaiian affairs; provided further that status reports or program evaluations shall be submitted for those programs identified in sections 14, 15, 17, 18, 19, 20 and 21 of this Act in accordance with the provisions of each section; provided further that the office of Hawaiian affairs shall submit the reports to the legislature no later than twenty days prior to the convening of the 1994 regular session; and provided further that the 1994 report shall be submitted prior to consideration of any request for restoration of the program evaluation section of planning and research (OHA 104) in fiscal year 1994-95.

SECTION 14. Provided that of the funds appropriated for culture (OHA 105), the sum of \$75,000 in special funds for fiscal year 1993-94 and the sum of \$125,000 in special funds for fiscal year 1994-95 shall be expended for project 'Aha No'eau which contemplates one conference in fiscal year 1993-94 and two conferences in fiscal year 1994-95 to bring together Hawaiian artisans, crafters and practitioners to share and discuss aspects of their respective disciplines; and provided further that an independent evaluation of the fiscal year 1993-94 conference shall be included in the independent program evaluation reports required by section 13.

SECTION 15. Provided that of the funds appropriated for culture (OHA 105), the sum of \$25,000 in special funds for fiscal year 1993-94 and the sum of \$25,000 in special funds for fiscal year 1994-95 shall be expended in each fiscal year for the purpose of producing six audio/visual recordings of fragile living Hawaiian treasures; provided further that an independent evaluation of this project for fiscal year 1993-94 shall be included in the independent program evaluation reports required by section 13.

SECTION 16. Provided that of the funds appropriated for culture (OHA 105), the sum of \$2,000 in general funds and \$2,000 in special funds for fiscal year 1993-1994 and the sum of \$2,000 in general funds and \$2,000 in special funds for fiscal year 1994-1995 shall be expended for protocol and cultural assistance.

SECTION 17. Provided that of the funds appropriated for economic development (OHA 108), \$52,113 in general funds and \$52,114 in special funds for fiscal year 1993-94 and the sum of \$44,244 in general funds and \$44,244 in special funds for fiscal year 1994-95 shall be expended for one business loan officer, one loan adjustment specialist, and one loan assistant, to meet the projected increase in operating costs for the native Hawaiian revolving loan fund; provided further that prior to the expenditure of any funds, the office of Hawaiian affairs shall confirm in writing to the legislature that the grant from the Administration for Native Americans (ANA) has been approved and that congressional re-authorization of the native Hawaiian revolving loan fund (NHRLF) has been confirmed as a result of the ANA grant; provided further that a detailed activity and program summary of the NHRLF shall be included in the independent program evaluation reports required by section 13.

SECTION 18. Provided that of the funds appropriated for economic development (OHA 108), the sum of \$135,000 in general funds and \$135,000 in special funds for fiscal year 1993-94 and the sum of \$135,000 in general funds and \$135,000 in special funds for fiscal year 1994-95 shall be expended for the service-on-a-fee contract with Alu Like, Inc. for management and technical assistance; provided further that an independent evaluation of the service-on-a-fee contract shall be included in the independent program evaluation reports required by section 13.

SECTION 19. Provided that of the funds appropriated for education (OHA 109), the sum of \$39,500 in general funds and \$39,500 in special funds for fiscal year 1993-94 and the sum of \$68,000 in general funds and \$68,000 in special funds for fiscal year 1994-95 shall be expended to expand the center for gifted and talented native Hawaiian children program, Na Pua No'eau, on Maui and Kauai in fiscal year 1993-94 and on Oahu in fiscal year 1994-95; provided further that an independent evaluation of the status of this program shall be included in the independent program evaluation reports required by section 13.

SECTION 20. Provided that of the funds appropriated for education (OHA 109), the sum of \$48,148 in special funds for fiscal year 1993-94 and the sum of \$51,727 in special funds for fiscal year 1994-95 shall be expended for the 'Aha Kupuna project, which represents a change to 100 percent special funding; provided further that an independent evaluation of the 'Aha Kupuna program shall be included in the independent program evaluation reports required by section 13.

SECTION 21. Provided that of the funds appropriated for housing (OHA 110), the sum of \$33,324 in general funds and \$33,324 in special funds for fiscal year 1993-94 shall be expended to support a Kauai affordable housing grant project by a qualified non-profit community based organization; provided further that the office of Hawaiian affairs shall provide additional technical support at no additional cost to assure that the non-profit organization can implement the project; provided further that there shall be no requests for extension of funds for this project after fiscal year 1993-94; and provided further that an independent evaluation of the program shall be included in the independent program evaluation reports required by section 13.

SECTION 22. Provided that of the funds appropriated for housing (OHA 110), the sum of \$2,432 in general funds and \$2,432 in special funds for fiscal year 1993-1994 shall be expended to establish a housing information and referral service; provided further that no funds shall be expended to establish an interest-free loan fund, nor any other assistance fund for security deposits, lease rents, or other payments; provided further that the office of Hawaiian affairs shall identify, coordinate, and cooperate with other agencies and services that can provide housing and rental assistance funding; and provided further that the office of Hawaiian affairs shall submit to the legislature a report and analysis of these alternatives as an integral part of any justification to support establishment of a separate fund in conjunction with any funding request.

SECTION 23. Provided that of the funds appropriated for housing (OHA 110), the sum of \$31,677 in general funds and \$31,678 in special funds for the fiscal year 1993-94 and the sum of \$31,677 in general funds and \$31,678 in special funds for the fiscal year 1994-95 shall be expended to sponsor self-help housing projects.

**SECTION 24.** Provided that of the funds appropriated for housing (OHA 110), the sum of \$20,000 in general funds and \$20,000 in special funds for the fiscal year 1993-94 shall be expended for a comparative analysis of the "territorial homestead" or "999-year" leases to clarify title and tenancy rights.

**SECTION 25.** In the event manifest clerical, typographical, or other mechanical errors are found in the Act, the chairperson of the trustees is hereby authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

**SECTION 26.** This Act shall take effect on July 1, 1993.

(Approved June 21, 1993.)