

ACT 170

H.B. NO. 1200

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:

PART I. GENERAL PROVISIONS

SECTION 1. The purpose of this Act is to appropriate funds for the biennial budget of the office of Hawaiian affairs and this Act shall be known and may be cited as the “Office of Hawaiian Affairs Appropriations Act of 2007.”

SECTION 2. Unless otherwise clear from the context, as used in this Act: “Program ID” means the unique identifier of the specific program, and consists of the abbreviation for the office of Hawaiian affairs followed by a designated number for the program.

“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. Letter symbols following appropriations have the following meanings:

A: General Funds

T: Trust Funds

“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 necessary 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, 2007, and ending June 30, 2009. 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 ceiling indicated for each year, except as provided elsewhere in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR	M O	FISCAL YEAR	M O
				2007-08	F	2008-09	F
Hawaiian Affairs							
1. OHA150 - OFFICE OF THE TRUSTEES							
	OPERATING		OHA	.65*		.60*	
				31,149A		31,149A	
				4.35*		4.40*	
			OHA	272,193T		284,608T	
2. OHA160 - ADMINISTRATION							
	OPERATING		OHA	7.60*		7.22*	
				936,263A		936,263A	
				30.40*		30.78*	
			OHA	2,837,087T		2,952,722T	
	INVESTMENT CAPITAL		OHA	3,050,000T		52,990,000T	
3. OHA175 - BENEFICIARY ADVOCACY							
	OPERATING		OHA	3.23*		3.23*	
				2,085,696A		2,119,663A	
				15.77*		15.77*	
			OHA	3,098,206T		3,190,167T	

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 of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2007-2008 and the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2008-2009 shall provide for social services to office of Hawaiian affairs beneficiaries to include information and referral services, case management and counseling, establishment of individual development accounts, financial literacy, and financial assistance. Referral services include those relating to education assistance, employment and income security, individual and family care, health needs, housing, legal services, genealogy research, business assistance, and general information; provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purposes of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

SECTION 6. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$490,433 in general funds and \$490,433 in trust funds for fiscal year 2007-2008 and the sum of \$524,400 in general funds and \$524,400 in trust funds for fiscal year 2008-2009 shall provide for educational enrichment programs for native Hawaiian children in grades K through 12 throughout the State. Program activities are to be designed to optimize learning for Hawaiian students and are intended to develop a stronger interest in learning, connect learning and education to one's Hawaiian identity, and explore possible educational, career and academic goals the students may not have considered; provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purposes of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

SECTION 7. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$592,302 in general funds and \$592,302 in trust funds for fiscal year 2007-2008 and the sum of \$592,302 in general funds and \$592,302 in trust funds for fiscal year 2008-2009 shall provide legal services and legal representation to office of Hawaiian affairs beneficiaries for: the assertion and defense of quiet title actions; assistance with ahupua'a and kuleana tenant rights, including rights of access and rights to water, land title assistance, including review of title and genealogy, preservation of traditional and customary practices, protection of culturally significant places, and preservation of native Hawaiian land trust entitlements; provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purposes of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

SECTION 8. Provided that whenever the need arises, the board of trustees of the office of Hawaiian affairs or their designee is authorized to transfer sufficient funds and positions between programs for operating purposes; provided further that these transfers shall not be inconsistent with legislative intent; and provided further that a report of these fund transfers shall be made to the legislature no later than thirty days prior to the convening of the 2008 and 2009 regular sessions.

PART II. CAPITAL IMPROVEMENT PROJECT

SECTION 9. The sum of \$56,040,000 appropriated or authorized in part I of this Act for a capital improvement project shall be expended by the office of Hawaiian affairs for the project listed below. The amount after each cost element and the total funding for the project are in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

				APPROPRIATIONS (IN 000's)			
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	FISCAL YEAR 2007-08	M O F	FISCAL YEAR 2008-09	M O F
Hawaiian Affairs							
OHA160 - ADMINISTRATION							
1.		CULTURAL CENTER AND OFFICE BUILDING, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A NEW CULTURE CENTER AND OFFICE BUILDING ON OAHU.					
		DESIGN		3,050			
		CONSTRUCTION				49,490	
		EQUIPMENT				3,500	
		TOTAL FUNDING	OHA	3,050	T	52,990	T

PART III. SPECIAL PROVISIONS

SECTION 10. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in part I and listed in part II of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations made for fiscal

year 2007–2008 and fiscal year 2008–2009 which are unencumbered as of June 30, 2010, shall lapse as of that date.

SECTION 11. The office of Hawaiian affairs is authorized to delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of any capital improvement project when it is determined by the office of Hawaiian affairs to be advantageous to do so.

SECTION 12. The board of trustees of the office of Hawaiian affairs or their designee shall determine when and the manner in which the authorized capital improvement project shall be initiated.

SECTION 13. Any law or any provision to the contrary notwithstanding, the board of trustees of the office of Hawaiian affairs or their designee may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring such sums as may be needed from the funds appropriated for other cost elements of the same project by this Act.

PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 14. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of the Act and any provision thereof shall not be affected. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 15. 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 hereby authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 16. This Act shall take effect on July 1, 2007.

(Approved June 12, 2007.)