

ACT 170

H.B. NO. 209

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. This Act shall be known and may be cited as the Office of Hawaiian Affairs Appropriations Act of 2015.

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 (OHA) 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
- T trust 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.

PART II. PROGRAM APPROPRIATIONS

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, 2015, and ending June 30, 2017. 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 2015-2016	FISCAL YEAR 2016-2017
Hawaiian Affairs					
1.	OHA150	OFFICE OF THE TRUSTEES			
	OPERATING		OHA	0.47* 28,435A 4.53*	0.47* 28,435A 4.53*
			OHA	275,687T	275,687T
2.	OHA160	ADMINISTRATION			
	OPERATING		OHA	5.03* 700,159A 31.97*	5.03* 700,159A 31.97*
			OHA	2,861,727T	2,861,727T
3.	OHA175	BENEFICIARY ADVOCACY			
	OPERATING		OHA	1.47* 2,488,910A 18.53*	1.47* 2,262,410A 18.53*
			OHA	3,292,290T	3,292,290T

PART III. PROGRAM PROVISIONS

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 (OHA175), the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2015-2016 and the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2016-2017 shall provide for social services, including referral services and case management, to at-risk office of Hawaiian affairs beneficiaries to immediately address unexpected crises. Program activities shall be designed with an overall objective to provide financial assistance to improve stability during emergency situations; provided 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 (OHA175), the sum of \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2015-2016 and the sum of \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2016-2017 shall provide for educational improvement programs for Native Hawaiian students. Program activities shall be designed to help Native Hawaiians meet or exceed educational standards; provided that notwithstanding section 10-17(e), Hawaii Revised Statutes, expenditure of any funds for the purposes of this section shall be made in accordance with chapter 103D or 103F, Hawaii Revised Statutes, or a competitive grants process, as appropriate.

SECTION 7. Provided that of the funds appropriated for beneficiary advocacy (OHA175), the sum of \$524,400 in general funds and \$524,400 in trust funds for fiscal year 2015-2016 and the sum of \$524,400 in general funds and \$524,400 in trust funds for fiscal year 2016-2017 shall provide for 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, expenditure of any funds expended for the purposes of this section shall be made in accordance with chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

SECTION 8. Provided that of the general funds and trust funds appropriated for beneficiary advocacy (OHA175), the sum of \$500,000 in general funds and \$500,000 in trust funds for fiscal year 2015-2016 and the sum of \$500,000 in general funds and \$500,000 in trust funds for fiscal year 2016-2017 shall be expended at the discretion of the board of trustees of the office of Hawaiian affairs for office of Hawaiian affairs beneficiaries; provided further that no state general funds shall be expended unless matched by the expenditure of at least an equal amount of office of Hawaiian affairs' trust funds; provided further that the general funds and trust funds appropriated under this section shall be expended only after the chief executive officer of the office of Hawaiian affairs consults with the chairs of the senate committee on ways and means and the house committee on finance or their designees; and provided further that the office of Hawaiian affairs shall submit a report to the legislature listing expenditures made pursuant to this section no later than twenty days prior to the convening of the regular sessions of 2016 and 2017.

PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

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

SECTION 11. This Act shall take effect on July 1, 2015.

(Approved June 30, 2015.)