

ACT 29

H.B. NO. 204

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. SHORT TITLE. This Act shall be known and may be cited as the Office of Hawaiian Affairs Appropriations Act of 2021.

SECTION 2. DEFINITIONS. As used in this Act, unless the context otherwise requires:

“Means of financing” or “MOF” means the source from which funds are appropriated or authorized to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. These letter symbols, where used, shall mean the following:

A General funds

T Trust funds

“Position ceiling” means the maximum number of permanent and temporary full-time equivalent positions authorized for a particular program during a specified period or periods, as denoted by an asterisk (*) for permanent full-time equivalent positions and a pound sign (#) for temporary full-time equivalent positions.

“Program ID” means the unique identifier for the specific program and consists of OHA, the abbreviation for the office of Hawaiian affairs, followed by the organization number for the program.

PART II. PROGRAM APPROPRIATIONS

SECTION 3. APPROPRIATIONS. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the means of financing specified to the office of Hawaiian affairs for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the numbers indicated for each fiscal year, except as provided elsewhere in this Act, or as provided by general law.

| PROGRAM APPROPRIATIONS | | | | APPROPRIATIONS | |
|-------------------------------|-----------------|------------------------|-------------------------|-----------------------|--------------------|
| ITEM NO. | PROG. ID | PROGRAM | EXPENDING AGENCY | FISCAL M | FISCAL M |
| | | | | YEAR O | YEAR O |
| | | | | 2021-2022 F | 2022-2023 F |
| Hawaiian Affairs | | | | | |
| 1. | OHA150 - | OFFICE OF THE TRUSTEES | | | |
| | OPERATING | | OHA | 0.47 * | 0.47 * |
| | | | OHA | 0 A | 0 A |
| | | | OHA | 4.53 * | 4.53 * |
| | | | OHA | 275,687 T | 275,687 T |
| 2. | OHA160 - | ADMINISTRATION | | | |
| | OPERATING | | OHA | 5.03 * | 5.03 * |
| | | | OHA | 0 A | 0 A |
| | | | OHA | 31.97 * | 31.97 * |
| | | | OHA | 2,861,727 T | 2,861,727 T |
| 3. | OHA175 - | BENEFICIARY ADVOCACY | | | |
| | OPERATING | | OHA | 1.47 * | 1.47 * |
| | | | OHA | 2,254,400 A | 2,254,400 A |
| | | | OHA | 18.53 * | 18.53 * |
| | | | OHA | 3,292,290 T | 3,292,290 T |

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that the general fund appropriations in part II 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 \$500,000 in general funds and \$500,000 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 shall be expended for office of Hawaiian affairs beneficiaries for occupancy ready housing needs.

SECTION 6. 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 2021-2022 and the same sums for fiscal year 2022-2023 shall be expended to provide for social services, including referral services and case management, to at-risk Office of Hawaiian Affairs beneficiaries to immediately address unexpected crises; provided further that program activities shall be designed with an overall objective to provide financial assistance to improve stability during emergency situations; and 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, or a competitive grants process, as appropriate.

SECTION 7. 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 2021-2022 and the same sums for fiscal year 2022-2023 shall be expended to provide for educational improvement programs for native Hawaiian students; provided further that program activities shall be designed to help native Hawaiian students succeed academically; and provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any expenditures for the purposes of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, or a competitive grants process, as appropriate.

SECTION 8. 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 2021-2022 and the same sums for fiscal year 2022-2023 shall be expended to provide for legal services and legal representation to Office of Hawaiian Affairs beneficiaries for:

- (1) The assertion and defense of quiet title actions;
- (2) Assistance with ahupuaa and kuleana tenant rights, including rights of access and rights to water;
- (3) Land title assistance, including review of title and genealogy;
- (4) Preservation of traditional and customary practices;
- (5) Protection of culturally significant places;
- (6) Preservation of native Hawaiian land trust entitlements; and

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

PART IV. RELEASE OF PRIOR FUNDS

SECTION 9. Act 37, Session Laws of Hawaii 2019, is amended by amending section 8 to read as follows:

~~“SECTION 8. [(a) Provided that of the trust funds appropriated in part II of this Act, the sum of \$500,000 for fiscal year 2019-2020 shall be expended for the costs for the auditor to conduct or contract for a financial and management audit of the Office of Hawaiian Affairs.~~

~~The auditor shall submit a report of the findings and recommendations of the audit to the legislature, governor, and the chairperson of the board of trustees of the office of Hawaiian affairs no later than twenty days prior to the convening of the regular session of 2020.~~

~~(b) Provided that the general funds appropriated for fiscal year 2020-2021 pursuant to part II of this Act shall not be released to the Office of Hawaiian Affairs until after the [audit report required by subsection (a)] CLA – OHA & LLCs Contract and Disbursement Review – Report, dated December 4, 2019, is received by the legislature.”~~

SECTION 10. The general funds appropriated for fiscal year 2020-2021 pursuant to part II of Act 37, Session Laws of Hawaii 2019, shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all moneys from the appropriation that are unencumbered as of June 30, 2022, shall lapse as of that date.

SECTION 11. Provided that of the general funds appropriated for beneficiary advocacy (OHA175), the sum of \$200,000 for fiscal year 2021-2022 shall be expended to conduct or contract for a follow-up contract and disbursement review of the CLA – OHA & LLCs Contract and Disbursement Review – Report, dated December 4, 2019.

PART V. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 12. Provided that whenever necessary, the board of trustees of the Office of Hawaiian Affairs or the board's designee may transfer sufficient funds and positions between programs for operating purposes; provided further that these transfers shall be consistent with legislative intent; and provided further that the Office of Hawaiian Affairs shall submit a report to the legislature of all uses of this authority for the previous twelve month period from December 1 to November 30, no later than twenty days prior to the convening of the regular sessions of 2022 and 2023.

SECTION 13. If any provision of this Act, or the application thereto to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable. 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 that appropriation to the extent possible.

SECTION 14. 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 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 16. This Act shall take effect on July 1, 2021; provided that sections 9 and 10 of this Act shall take effect retroactive to June 30, 2021.

(Approved May 28, 2021.)