



OFFICE OF THE LIEUTENANT GOVERNOR

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JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

**SENATE COMMITTEE ON WAYS AND MEANS
HOUSE COMMITTEE ON FINANCE
BUDGET BRIEFING FOR FISCAL BIENNIUM 2009-2011**

OFFICE OF THE LIEUTENANT GOVERNOR (LTG 100)

Narrative

The Lieutenant Governor's Office, in conjunction with the Governor, provides leadership and sets policies and priorities to all state programs. The Hawai'i Constitution requires that the Lieutenant Governor act in place of the Governor when the Governor is out of state. Moreover, by statutory mandate, the Lieutenant Governor is designated as Secretary of State for the State of Hawai'i. This designation requires the Office of the Lieutenant Governor to perform a variety of activities which are administrative, ministerial, and coordinative in nature. These activities include name change processing, administrative rules depository functions, certifications, apostilles, posting of board and commission hearing notices, and the sale and distribution of legislative publications.

The recent downward trend in our state economy has no doubt affected state policies and priorities. The Governor and Lieutenant Governor have continued to provide executive management and leadership to state agencies, albeit with an enhanced emphasis on job creation, economic revitalization, and other core governmental support services. The Lieutenant Governor has assisted the administration in the design and development of an economic recovery plan that is designed to sustain jobs and enhance Hawai'i's infrastructure. As a key component to this plan, the Lieutenant Governor will be providing leadership to all executive agencies and information to the public on important state economic issues.

The Office of the Lieutenant Governor, like all government entities, has felt the pinch of decreased tax revenues, weakening forecasts, and budget restrictions. These economic conditions have required our office to closely scrutinize and/or eliminate certain office expenditures, including, but not limited to, travel, office equipment, supplies, postage and other miscellaneous office expenditures. Moving forward, further reductions are being proposed for FY 10 and FY 11. These contemplated reductions will likely result in the loss of support staff and the reduction of current salary levels. Despite reductions, the Office of the Lieutenant Governor is committed to maintaining core services to the public, like name changes, document authentication,

administrative rules services, sale of state publications, dissemination of legislative acts, and the management of government hearing notices.

Finally, the Office of the Lieutenant Governor will continue to work collaboratively with the Office of Information Practices (OIP) as an attached agency to ensure that current economic conditions do not affect the public's access to information.

Mission Statement

The core mission of the Office of the Lieutenant Governor is to enhance the efficiency and effectiveness of state programs by providing leadership and executive management and by developing policies and priorities for all state programs. Under Article V, Section 4 of the Hawaii State Constitution, the Lieutenant Governor acts in place of the Governor when the Governor is out of state. Additionally, the Office of the Lieutenant Governor's statutorily mandated duties include leadership as the Secretary of State and necessary administrative support in the efficient implementation of all Secretary of State duties. More specifically, pursuant to Section 26-1, HRS, the Lieutenant Governor is designated Secretary of State for intergovernmental relations and, in this capacity, directs and performs varied activities which are administrative, ministerial, and coordinative in nature. These activities include name change processing, administrative rules depository functions, certifications, apostilles, posting of board and commission hearing notices, and the sale and distribution of legislative publications.

Organizational Chart

NAME	POSITION TITLE
James R. Aiona, Jr.	Lieutenant Governor
Kevin A. Souza	Chief of Staff
Jonah K. Kaauwai	Deputy Chief of Staff
Travis Taylor	Senior Advisor - Communications
Harold Nedd	Communications Advisor
Karl Espaldon	State Drug Control Liaison
Leon J. Davenport III	Executive Assistant
Dawn Matsumura	Administrative Services Specialist
Viola Alipio	Executive Secretary -- Lieutenant Governor
Joanna Chinen	Executive Assistant
Lehua Saturnio	Executive Secretary
Janielle Kealoha-Holbron	Administrative Assistant
Dale Stevens	Administrative Assistant

Please see attached Worksheet 1 for further requested information.

Table 1: Department Functions

Please see attached Table 1.

Table 2: Program ID Listing of Major Activities

Please see attached Table 2.

Table 3: Biennium Budget Reductions

Please see attached Table 3.

Table 4: Biennium Budget Additions

Please see attached Table 4.
LTG 100 has no proposed additions to our biennium budget.

Table 5: Restrictions

Please see attached Table 5.

Other Sources of Revenue

None.

Operational Budget

1. Introduction
 - a. LTG 100
 - b. To enhance the efficiency and effectiveness of state programs by providing leadership and executive management and by developing policies and priorities to give program direction.

The Lieutenant Governor acts in place of the Governor in the event of the Governor's absence from the State.

Performs duties and undertakes projects assigned by the Governor. At this time, these duties have centered on public safety, family strengthening, innovation and economic revitalization.

Pursuant to Section 26-1, HRS, the Lieutenant Governor is also designated Secretary of State for intergovernmental relations. In this capacity, the Lieutenant Governor directs and performs varied activities which are required by law, including: name changes, authentication of documents, sale of official state publications, compilation of administrative rules, compilation of legislative acts and monitoring of state open meetings laws.

Provide administrative support to agencies attached to this office which include:

a. Office of Information Practices.

2. Program Performance Results

Please see attached Table 6.

Capital Improvement Program Budget

None.

**** ALL CORRESPONDING WORKSHEETS, TABLES
AND ATTACHEMENTS ARE APPENDED TO THIS
DOCUMENT.**

Worksheet 1
Funding levels for divisions/branches

<u>Division or Branch Name</u>	<u>FY09 (P)</u>	<u>FY09 (T)</u>	<u>FY09 \$\$\$</u>	<u>FY10 (P)</u>	<u>FY10 (T)</u>	<u>FY10 \$\$\$</u>	<u>MOF</u>
Office of the Lieutenant Governor	3.00	11.00	845,990	3.00	10.00	824,997	A

Table 1
Priority List of Functions

<u>Priority #</u>	<u>Description of Function</u>	<u>Performance Measures</u>	<u>Statutory Reference (HRS, PL, etc.)</u>
1	The Lieutenant Governor acts in place of the Governor in the event of the Governor's absence from the State.		Article V, Section 4 of the Hawaii State Constitution
2	The Lieutenant Governor is also designated Secretary of State for intergovernmental relations. In this capacity, the Lieutenant Governor directs and performs varied activities which are required by law, including: name changes, authentication of documents, sale of official state publications, compilation of administrative rules, compilation of legislative acts and monitoring of state open meeting laws.	Evaluations by the Lieutenant Governor and his staff are performed to ensure projects goals are achieved. Additionally, critical functions are evaluated based on performance efficiency (i.e., constituent response times, public services, etc.) as well as constitutional and statutory obligations performed by the Office of the Lieutenant Governor.	HRS Section 26-1
3	Performs duties and undertakes projects assigned by the Governor. At this time, these duties have centered on public safety, family strengthening, innovation and economic revitalization.	In addition to the previously discussed responsibilities, the Office of the Lieutenant Governor will continue to solicit feedback and input from community, public sector, and private sector interests on issues which affect the State of Hawaii, including, but not limited to, issues related to public safety and drug control such as prevention, treatment, and law enforcement initiatives.	HRS Section 26-1
4	Provide administrative support to agencies attached to this office which include: Office of Information Practices.	Lieutenant Governor communicates and evaluates the performance of OIP consistently to ensure that OIP is achieving its core objectives.	HRS Section 26-1

Table 2
 Program ID Listing of Major Activities

<u>Prog ID/Org</u>	<u>Major Activity or Activities performed</u>	<u>Priority #</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>PS \$\$\$\$</u>	<u>Other \$\$\$\$</u>	<u>MOF</u>
LTG100AA	The Lieutenant Governor acts in place of the Governor in the event of the Governor's absence from the State.	1	3	10	782,586	42,411	A
LTG100AA	The Lieutenant Governor is also designated Secretary of State for intergovernmental relations. In this capacity, the Lieutenant Governor directs and performs varied activities which are required by law, including: name changes, authentication of documents, sale of official state publications, compilation of administrative rules, compilation of legislative acts and monitoring of state open meeting laws.	2	3	10	782,586	42,411	A
LTG100AA	Performs duties and undertakes projects assigned by the Governor. At this time, these duties have centered on public safety, family strengthening, innovation and economic revitalization.	3	3	10	782,586	42,411	A
LTG100AA	Provide administrative support to agencies attached to this office which include: Office of Information Practices.	4	3	10	782,586	42,411	A

Table 3
Biennium Budget Reductions

#	Description of Reduction	Impact of Reduction	Prog ID/Org	Pos	Pos (T)	\$\$\$\$ 10	Pos	Pos (T)	\$\$\$\$ 11	MOF
				(P) 10	10		(P) 11	11		
1	Personal Services	The amount equates to a 6% reduction from FY08 personal services budget. The Office of the Lieutenant Governor plans to address this reduction by reducing office staff.	LTG100AA		1	51,749		1	51,749	A
2	Other Current Expenses	The amount equates to a 20% reduction from FY08 other expenses budget. The Office of the Lieutenant Governor plans to address this reduction by minimizing other office expenditures.	LTG100AA			10,602			10,602	A

Table 4
Biennium Budget Additions

<u>Description of Addition</u>	<u>Prog ID/Org</u>	<u>Pos (P) Pos (T)</u>		<u>Pos (P) Pos (T)</u>		<u>MOF</u>
		<u>10</u>	<u>10</u>	<u>\$\$\$ 10</u>	<u>11</u>	
None.	LTG100AA					

Table 5
Current Year (FY09) Restrictions

<u>Prog ID</u>	<u>FY09 \$\$\$</u>	<u>Impact</u>	<u>FY10 \$\$\$</u>	<u>FY11 \$\$\$</u>
LTG100AA	33,140	The restriction amount equates to 4% of the Office of the Lieutenant Governor's FY09 budget. The restriction has required our office to closely scrutinize and/or eliminate office expenditures including, but not limited to, travel, equipment, supplies, postage and other miscellaneous expenses.	0	0

Table 6
 Prog ID
 Program Performance Results

#	<u>Measures of Effectiveness</u>	<u>Direction of Success</u> (increase/decrease)	<u>FY07 Result</u>	<u>FY08 Result</u>	<u>FY09 Plan</u>	<u>FY10 Plan</u>
1	To measure the effectiveness of programs, ongoing evaluations by the Lieutenant Governor and his staff are performed to ensure projects goals are achieved. Additionally, critical functions are evaluated based on performance efficiency (i.e., constituent response times, public services, etc.), as well as all constitutional and statutory obligations performed by the Office of the Lieutenant Governor.	Increase	The Office of the Lieutenant Governor continues to provide leadership as the Secretary of State along with the necessary administrative support in the efficient implementation of Secretary of State duties. In this capacity, the Lieutenant Governor directed and performed varied activities which are administrative, ministerial, and coordinative in nature. These activities included name change processing, administrative rules depository functions, certifications, apostilles, the posting of board and commission hearing notices, and the sale and distribution of legislative publications.	The Office of the Lieutenant Governor continues to provide leadership as the Secretary of State along with the necessary administrative support in the efficient implementation of Secretary of State duties. In this capacity, the Lieutenant Governor directed and performed varied activities which are administrative, ministerial, and coordinative in nature. These activities included name change processing, administrative rules depository functions, certifications, apostilles, the posting of board and commission hearing notices, and the sale and distribution of legislative publications.	No change.	No change.
2	In addition to the previously discussed responsibilities, the Office of the Lieutenant Governor will continue to solicit feedback and input from community, public sector, and private sector interests on issues which affect the State of Hawaii, including, but not limited to, issues related to public safety, family strengthening, innovation and economic revitalization.	Increase	The Office of the Lieutenant Governor continues to provide leadership in developing and directing the State's response to public safety and drug control such as prevention, treatment, and law enforcement. In addition, our office also engages in educational and development programs suchas STEM and Robotics. Finally, the Lieutenant Governor will increasingly focus on providing leadership and direction to state programs to assist in the economic recovery and revitalization of our economy.	The Office of the Lieutenant Governor continues to provide leadership in developing and directing the State's response to public safety and drug control such as prevention, treatment, and law enforcement. In addition, our office also engages in educational and development programs suchas STEM and Robotics. Finally, the Lieutenant Governor will increasingly focus on providing leadership and direction to state programs to assist in the economic recovery and revitalization of our economy.	No change.	No change.



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LIEUTENANT GOVERNOR

Functional Statement For The Office Of The Lieutenant Governor

a. Summary Of Program Objectives.

To enhance the effectiveness and efficiency of state programs by providing leadership and executive management and by developing policies and priorities to give program direction.

b. Description Of Program Objectives.

1. Pursuant to Article V, Section 4 of the Hawaii State Constitution, the Lieutenant Governor acts in place of the Governor in the event of the Governor's absence from the State.

2. The Lieutenant Governor provides leadership as the Secretary of State and necessary administrative support in the efficient implementation of all Secretary of State duties. More specifically, pursuant to Section 26-1, HRS, the Lieutenant Governor is designated Secretary of State for intergovernmental relations and, in this capacity, directs and performs varied activities which are administrative, ministerial, and coordinative in nature. These activities include name change processing, administrative rules depository functions, certifications, apostilles, posting of board and commission hearing notices, and the sale and distribution of legislative publications.

3. The Lieutenant Governor performs duties and implements projects assigned by or on behalf of the Governor. At this time, these duties have centered on public safety and human services, including the Hawaii Drug Control Plan. More specifically, the Lieutenant Governor has been asked to provide leadership and to develop policies and priorities in the area of combating illicit drug abuse and underage drinking in the State of Hawaii which directly affect public safety and the State's human services. The Lieutenant Governor has also been tasked with other policy projects dealing with public safety, including both corrections and law enforcement initiatives.

4. The Lieutenant Governor provides administrative support to the Office of the Lieutenant Governor's attached agency, the Office of Information Practices.

5. Finally, the Lieutenant Governor provides timely information to public and constituent queries, concerns, and problems.

The Hawaii Drug Control Plan

The Lieutenant Governor continues to provide leadership in developing and directing the State's response to illicit drug use and underage drinking. The Office of the Lieutenant Governor actively engages with stakeholders at the federal, state, county, and community levels to coordinate and facilitate collaborative efforts in the targeted areas of prevention, treatment, and interdiction/enforcement. The Drug Control Specialist, housed within the Office of the Lieutenant Governor, supports the administration's drug control strategy as the official liaison between the office and the numerous private and public agencies and individuals involved in the effort against illicit drug use and underage drinking.

In addition to the above, the Office of the Lieutenant Governor played a significant role in numerous drug control initiatives over the past year, including:

- Facilitating a partnership between the Department of Health and Department of Human Services in obtaining a 3-year, \$8.12 million Access to Recovery (ATR) grant from the Substance Abuse and Mental Health Services Administration (SAMHSA). The initiative will provide recovery support services to parents in the Child Welfare Services system.
- Chairing the State Advisory Council for the 5-year, \$11 million Strategic Prevention Framework – State Incentive Grant from SAMHSA, which will fund and develop a coordinated, data driven substance abuse prevention infrastructure, including targeted prevention programming and formal evaluation.
- Chairing the State's Co-Occurring – State Incentive Grant project task force that completed work on a Strategic Plan for Integrated Treatment of Co-Occurring Substance Use and Mental Disorders.
- Coordinating State support and participation in SAMHSA-led initiative to develop a specialized Strategic Plan to address Co-Occurring Disorders in the Native Hawaiian population.
- Advocating for the establishment of a Screening, Brief Intervention, Referral and Treatment (SBIRT) pilot program in local hospital emergency rooms and/or trauma centers. SBIRT is an evidence-based, best practice, model program that spans both the substance abuse treatment and prevention fields.
- Working with the Department of Human Services to allow for Medicaid reimbursement for substance abuse screening and brief intervention services provided in medical settings.

- Spearheading State support for an innovative pre-natal alcohol and drug Screening, Assessment, Referral and Treatment (SART) program in Hawaii Island. This community-based initiative aims to improve birth and child outcomes by responding specifically to the needs to alcohol and drug-using pregnant women.
- Re-establishing the Hawaii Advisory Commission on Drug Abuse and Controlled Substances (HACDACS) as an active and integral broad-based community advisory body on drug control matters.
- Supporting the Administration's (DLIR's) partnership with the private sector and workers' union to pass Act 179, allowing on-site substance abuse screening tests in the workplace.
- Coordinating with the White House Office of National Drug Control Policy (ONDCP) to hold a Regional Student Drug Testing Summit in Honolulu in March 2007.
- Leading the Administration's efforts to prevent and reduce underage drinking by participating in and supporting the Hawaii Partnership to Prevent Underage Drinking, and hosting the Surgeon General's visit to roll out the national Call to Action on Underage Drinking.
- Actively encouraging anti-smoking initiatives such as the Synar Tobacco Initiative to control the sale of tobacco products to minors. Due to strong prevention and education efforts to strict enforcement, Hawaii consistently ranks high in tobacco sale compliance rates.
- Coordinating public substance awareness campaigns that continue to educate the public on the problems, challenges, ongoing efforts, and triumphs in the field of illicit drug use and underage drinking. Organized activities and events for Substance Abuse Awareness Month (February), Alcohol Awareness Month (April), Teach-Ins for Underage Drinking Prevention (May), and Alcohol and Drug Addiction Recovery Month (September).

Attachment 1
Department-Wide Summary Information (by MOF)

Fiscal Year (FY) 2009					
Act 158/08 Appropriation (a)		Restriction (b)	Emergency Request (c)	Total FY09 (a)+(b)+(c)	MOF
828,507		(33,140)	-	795,367	A
				-	
				-	
828,507		(33,140)	-	795,367	Total

Fiscal Year (FY) 2010					
Act 158/08 Appropriation (d)	Collective Bargaining (e)	Reduction (f)	Additions (g)	Total FY10 (d)+(e)+(f)+(g)	MOF
828,507	58,841	(62,351)	-	824,997	
				-	
				-	
828,507	58,841	(62,351)	-	824,997	Total

Fiscal Year (FY) 2011					
Act 158/08 Appropriation (h)	Collective Bargaining (i)	Reduction (j)	Additions (k)	Total FY11 (h)+(i)+(j)+(k)	MOF
828,507	58,841	(62,351)	-	824,997	
				-	
				-	
828,507	58,841	(62,351)	-	824,997	Total

Please indicate restrictions and reductions as negative numbers, using brackets ()

Attachment 2
FY09 Proposed Emergency Requests

<u>Program ID</u>	<u>Description of Emergency Request</u>	<u>FTE</u>	<u>\$\$\$</u>	<u>MOF</u>
LTG100AA	None.			

Attachment 3
Program ID Totals

<u>Prog ID</u>	<u>Title</u>	<u>Pos 10</u>	<u>\$\$\$ 10</u>	<u>Pos 11</u>	<u>\$\$\$ 11</u>	<u>MOF</u>
LTG100	Office of the Lieutenant Governor	13.00	782,586	13.00	782,586	A

Attachment 4
Budget Decisions

Priority	Prog ID/Org	Description	MOF	Dept FY10			Dept FY11			B&F FY10			B&F FY11			Gov FY10			Gov FY11		
				FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$
	LTG100AA	Delete Executive Assistant to Senior Advisor (Pos. No. 100348), and reduce other position salaries	A		(1.00)	(155,099)		(1.00)	(155,099)		(1.00)	(51,749)		(1.00)	(51,749)		(1.00)	(51,749)		(1.00)	(51,749)
	LTG100AA	Other Current Expenses	A			(10,602)			(10,602)			(10,602)			(10,602)			(10,602)			(10,602)

Attachment 5
All Positions Vacant as of 12/1/08

<u>Date of Vacancy</u>	<u>Position Title</u>	<u>Position Number</u>	<u>Exempt (Y/N)</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>
07/23/08	Executive Assistant to Senior Advisor	100348	Y	40,000	2,425	A	LTG100	N

Attachment 6

Federal Fund Expenditures Exceeding Ceiling for FY08 and FY09 to date

<u>Prog ID</u>	<u>Appropriation Ceiling</u>	<u>Ceiling Increase</u>	<u>Date of Transfer</u>	<u>Reason for Exceeding Ceiling</u>	<u>Recurring (Y/N)</u>	<u>GF Impact (Y/N)</u>
LTG100AA				None.		

Attachment 7
List of Transfers for FY08 and FY09 to date

<u>From</u> Prog ID	<u>To</u> Prog ID	<u>Amount</u> Transferred	<u>Date of Transfer</u>	<u>Reason for Transfer</u>	<u>Recurring</u> (Y/N)
LTG100AA				None.	

Attachment 8
CIP Summary

Priority	Project Title	FY10 \$\$\$	FY11 \$\$\$	MOF
None.				

JAN - 2 2009



LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

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PAUL T. TSUKIYAMA
DIRECTOR

THE SENATE
Committee on Ways and Means

INFORMATIONAL BRIEFING TESTIMONY FOR
OFFICE OF INFORMATION PRACTICES
Program ID LTG105IA
(Office of the Lieutenant Governor)

Date: January 14, 2009
Time: 1:30pm
Place: State Capitol, Room 211

Chair Mercado Kim, Vice-Tsutsui, and members of the Senate Committee on Ways and Means, my name is Paul Tsukiyama, director of the Office of Information Practices ("OIP").

NARRATIVE

OIP's FY2010-11 budget reduction request was made in compliance with the 10%-20% mandatory deduction for state agencies. The request has resulted in a reduction of OIP's operating budget in the amount of \$4,492, which equates to a 42% reduction from OIP's FY08 other current operating expense appropriation (20). OIP plans to address this reduction by restricting all travel and office training, cancelling trade publication and legal reference material subscriptions, cancelling membership in Council on Governmental Ethics Laws (COGEL) organization, limiting the number of educational and guidance publications provided in hard copy, reducing mailing costs and other office related expenses as needed.

A reduction in OIP's measures and activities resulted in large part to understaffing during much of FY2008. OIP has a total of 7.5 authorized positions, which includes the director, four staff attorneys, and three staff members. In FY2008, one vacant full-time staff attorney position was filled in the third quarter of the fiscal year (or 4.5 months). Another staff attorney's hours was reduced to .75 FTE while another full-time staff attorney served as the interim director and only full-time staff attorney for approximately five months. The director position was filled approximately halfway into

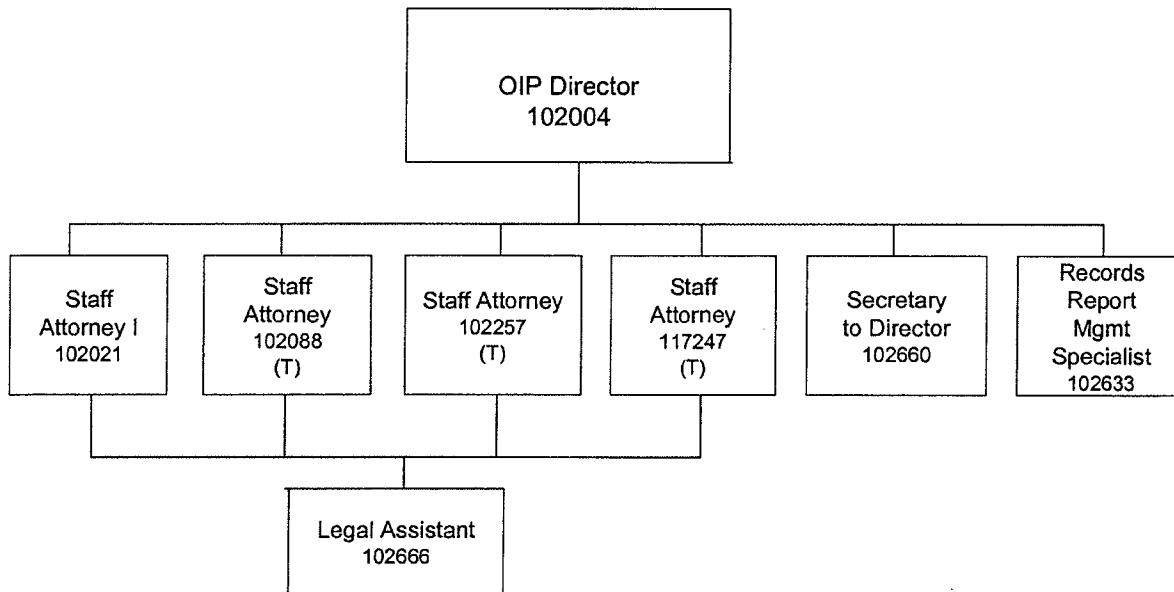
the fiscal year. To address budget reductions, hours for one staff position were reduced. In FY2008, OIP was also actively involved in defending a lawsuit against OIP brought by the County of Kauai and significant staff resources were directed towards this end.

To address further reductions in its budget, OIP has reduced its employee costs by reducing hours for one attorney position and also further reduced its operational costs. This reduction will make it more difficult for OIP to achieve its objectives, although OIP continues its efforts to streamline procedures and to implement other methods to improve performance, such as the issuance of more informal opinions and summary dispositions. OIP has also identified the need to adjust its measures of effectiveness over the next four years to account for reduced staffing and other third party factors that affect its ability to meet those measures.

MISSION STATEMENT

OIP's mission is to protect the public's interest by ensuring, to the extent reasonably possible, that the governmental processes are open to public scrutiny and participation, that the public has access to government records, that government boards conduct their business in meetings open to the public unless permitted by statute to do otherwise, that government is accountable to individuals in the collection, use and dissemination of information about them, and that individuals' privacy interests are protected where disclosure would constitute a clearly unwarranted invasion of privacy; to assist the public in obtaining records; to resolve complaints and issues relating to the public's access to records and meetings; to assist government agencies and boards in complying with the public records and open meeting laws.

OIP ORGANIZATIONAL CHART AS OF FY2009



Also see Worksheet 1 attached hereto.

PROGRAM FUNCTIONS

List of functions performed by program:

Priority 1

Protection of the public's right to access government records and individuals' privacy rights in compliance with the Uniform Information Practices Act (Modified), Hawaii's public records law.

A. Description of Function. Protect the public's right to access records maintained by government agencies and individuals' privacy interests through: (1) reviewing and ruling on appeals from an agency's denial of access; (2) rendering advisory opinions concerning the public's right to access records; (3) assisting the public in obtaining responses to record requests where an agency fails to respond to a request as required under the UIPA and associated administrative rules; (4) providing general guidance concerning access issues; and (5) offering workshops and other educational training to agency personnel and the public.

This function is critical to protecting the public's right to know and the legislative intent that the governmental processes be as open as possible while protecting individuals' privacy rights.

B. Performance Measures.

- % of appeals from denial of access resolved within 30 days
- % of advisory opinions rendered within 45 days
- % of assistance to enforce agency compliance with response requirements completed within 30 days
- % of general inquiries (AOD) responded to within 1 day
- # of training presentations to agencies/boards
- # of public informational presentations

C. Statutory Reference: Chapter 92F, HRS

Priority 2

Oversee compliance by government boards to the Sunshine Law's express intent that the formation and conduct of public policy be conducted as openly as possible and that the public be able to participate in their meetings to the greatest extent possible.

A. Description of Function. Oversee government boards' compliance with open meeting requirements through: (1) rendering advisory opinions concerning the public's right to participate in meetings of government boards; (2) investigating allegations concerning a board's noncompliance with the requirements of the Sunshine Law; (3) providing general guidance concerning open meetings issues; and (4) offering workshops and other educational training to board members, board staff and the public.

This function is critical to ensuring that government boards conduct their business as openly as possible and to protect the public's right to participate in the meetings of government boards.

B. Performance Measures.

- % of advisory opinions rendered within 45 days
- % of Sunshine Law investigations completed within 30 days
- % of general inquiries (AOD) responded to within 1 day
- % of new board members receiving Sunshine Law training
- # of training presentations to agencies/boards
- # of public informational presentations

C. Statutory Reference. Part I, Chapter 92, HRS

Priority 3

Assist agencies with meeting their annual statutory obligations to maintain their reports under section 92F-18.

A. Description of Function. The Records Report System (RRS) was developed in 1993 to comply with a legislative mandate [Haw. Rev. Stat. § 92F-18(b)]. That part of the UIPA, requires State and county government agencies to make a public report describing the records they maintain. OIP's Records Report System database facilitates collection of information from agencies and serves as a repository for all agency public reports under the UIPA. The RRS specialist conducts ongoing workshops and other educational training to agency personnel.

B. Performance Measures.

- % of Agencies complying with record reporting system
- # RRS Reports Inputted/Received

C. Statutory Reference. HRS § 92-F-18(b) (1993)

LISTING OF MAJOR ACTIVITIES FOR OIP

Major Activity or Activities Performed

- 1 Write legal opinions resulting from requests received by OIP; investigations arising from Sunshine Law complaints; and appeals resulting from Agency's denial of record(s)
- 2 Assist public with requests for assistance in obtaining a government record
- 3 Assist agencies in responding to requests for records
- 4 Assist boards with compliance issues under the Sunshine Law
- 5 Provide OIP training on the UIPA and/or Sunshine Law
- 6 Monitor/testify on proposed legislation impacting the UIPA; the government's practices in the collection, use, maintenance, and dissemination of information; and government boards' open meetings practices
- 7 Review and approve requests for Concurrence by Boards to hold limited meetings
- 8 Preparation of legal briefs on lawsuits against OIP
- 9 Monitor litigation cases involving UIPA and Sunshine Law issues
- 10 RRS Report System management and data collection
- 11 Produce publications and guidance memoranda

Personal Services and Other Current Expenses allocation for OIP is attached hereto and referenced as Worksheet 1.

BIENNIUM BUDGET REDUCTIONS

Reductions to program proposed in the biennium budget. Below is a description of the approved budget reduction that will affect OIP's other current expense category (20) for the FY2010-11 biennium budget. These items have resulted in net a decrease to OIP's base budget pursuant to Act 158, Session Laws of Hawaii 2008.

<u>Expense Reduction Description</u>	<u>Amount</u>
1. Office Supplies	\$238
2. Registration (re Training)	\$970
3. Dues and Subscriptions	\$250
4. Postage Costs	\$150
5. Telephone and Telegraph	\$150
6. Printing and Binding	\$491
7. Advertising	\$100
8. Rental of Office Equipment	\$600
9. Office Furniture & Equipment (Repair/Maintenance)	\$300
10. Misc Current Expenses	\$743
11. Misc Expenses – Legal Reference Material	<u>\$500</u>
TOTAL REDUCTION:	\$4,492

Impact as a Result of FY2010-11 Reduction. In compliance with the Governor's final funding decision of the 10%-20% mandatory deduction in FY2010-11, OIP will be required to further reduce its other current expense category (20) from \$24,816 to \$20,324, or by \$4,492. The reductions in FY2009 and FY2010-11 equate a decrease of approximately 42% from OIP's FY2008's other current expense category (20). OIP will address this additional reduction in operating costs by restricting all travel and office training expenses, reducing office equipment, cancelling trade publication and legal reference material subscriptions, cancelling membership in the Council on Governmental Ethics Laws (COGEL) organization, limiting the number of educational and guidance publications provided in hard copy, reducing mailing costs and restricting other office related expenses. OIP chose to reduce operating costs because OIP had already reduced staffing levels as a result of FY2009 restrictions that were carried forward as budget reductions for FY2010-11, which already hampers its ability to provide its primary services. OIP chose to reduce the specific costs listed because they do not impact the essential services provided or because alternative methods of providing those services may be implemented, such as providing opinions or educational materials in electronic form rather than in hard copy sent by regular mail. No public input was received concerning the impact of these reductions.

BIENNIUM BUDGET ADDITIONS

Additions to program proposed in the Biennium Budget. None.

RESTRICTIONS

FY2009 Restriction: 16,044 (4%). During the 2008 legislative session, the Legislature removed \$10,404 from OIP's budget for FY2009. An additional 4% restriction, or \$16,044, has been restricted from OIP's FY2009 budget, for a combined total of \$26,448. We have reduced staffing levels and operational costs to meet these restrictions.

FY 2010-11 Reduction: \$20,536. The total reduction in FY2010-11 is \$20,536, which includes the \$16,044 (4%) restriction in FY2009 that will be carried forward as a reduction and the Tier 3 reduction of \$4,492 under Executive Memorandum 08-10.

OTHER SOURCES OF REVENUE

Revenue generating possibilities for program. There are no other revenue sources. OIP is funded entirely from general funds.

OPERATIONAL BUDGET FOR LTG105IA

I. INTRODUCTION

A. Summary of Program Objectives.

To implement and oversee compliance with the UIPA and the Sunshine Law in accordance with its powers and duties set forth in sections 92F-42, HRS, and 92-1.5, HRS.

B. Description of Program Objectives.

1. Provide guidance and assistance to the public and government entities through its "Attorney of the Day" service and through the issuance of written advisory opinions.

2. Provide education and guidance through the publication of advisory opinions, educational materials, and newsletter.

3. Provide education through training workshops for government agency employees and officials and government board members.

4. Receive and resolve complaints regarding alleged violations of the Sunshine Law.

5. Accept and rule on appeals made by members of the public from agency denials of access to government records.

6. Monitor litigation raising issues under the UIPA or Sunshine law with possible intervention in those cases concerning the UIPA.

7. Make recommendations for, assist with drafting of and providing comment regarding legislation concerning government information practices, public access to government records and meetings, and the privacy rights of individuals.

8. Administer "Records Report System" and assist agencies with meeting their annual statutory obligations to maintain their reports under section 92F-18.

II. PROGRAM PERFORMANCE RESULTS

A. Measure of Effectiveness	Direction of Success (increase/ decrease)	<u>FY07</u> <u>Result</u>	<u>FY08</u> <u>Result</u>	<u>FY09</u> <u>Plan</u>	<u>FY10</u> <u>Plan</u>
1. % of Appeals from Denial of Access Resolved w/in 30 Days		23	29	70	70
2. % of Advisory Opinions Rendered w/in 45 Days		49	17	75	75
3. % of Sunshine Law Investigations completed w/in 30 Days		52	21	80	80
4. % of Assistance to Enforce Agency Compliance w/Response Requirements Completed w/in 30 Days		42	45	80	80
5. % of General Inquiries (AOD) Responded to w/in 1 Day		98	98	95	95
6. % of New Board Members Receiving Sunshine Law Training		60	0	60	60
7. % of Agencies Complying w/Record Reporting System		83	83	30	30
8. No. of Openline Newsletters and Guidance Memoranda		5	9	12	12
9. No. of Training Presentations to Agencies/ Boards		33	21	35	35
10. No. of Public Informational Presentations		2	1	4	4

B. Discuss how LTG105IA's measures of effectiveness relate to the program's mission and program objective. These measures are intended to measure OIP's effectiveness in the primary areas that directly relate to OIP's mission and program objectives to provide to the public and governmental entities, legal assistance and uniform legal guidance in response to all requests made, education regarding rights and responsibilities under the state's public records law and open meetings law, adjudication of appeals of denials of access to records, investigation of complaints filed by the public under both laws, and general guidance regarding legislation affecting both laws.

C. Effect of performance measures on program activities. The measures are intended to provide data that can be used to identify priorities and need to reevaluate processes, to reallocate staff resources, and to evaluate effectiveness of instituted procedures.

D. Modifications to program's performance measures. None

CAPITAL IMPROVEMENT PROGRAM (CIP BUDGET)

There are no requests being made for CIP projects by OIP at this time.



LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
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PAUL T. TSUKIYAMA
DIRECTOR

WORKSHEET 1

Organizational Chart

PERSONAL SERVICES/OTHER CURRENT EXPENSES

Dollar Amounts by MOF:

Office of Information Practices (LTG 105IA)	<u>FY09</u> (P)	<u>FY09</u> (T)	<u>FY09 \$\$\$</u>	<u>FY10</u> (P)	<u>FY10</u> (T)	<u>FY10 \$\$\$</u>	<u>MOF</u>
Personal Services	5.00	2.50	376,287	5.00	2.50	411,145	General Fund
Other Current Expenses						<u>FY10 \$\$\$</u> 20,324	General Fund
Less GOV Budget Reduction for FY2010-11						-4,492	General Fund
TOTAL:						426,977	General Fund

Attachment 1
Department-Wide Summary Information (by MOF)

Fiscal Year (FY) 2009					
Act 158/08 Appropriation (a)		Restriction (b)	Emergency Request (c)	Total FY09 (a)+(b)+(c)	MOF
				-	
401,103		(16,044)	-	385,059	A
				-	
401,103		(16,044)	-	385,059	Total

Fiscal Year (FY) 2010					
Act 158/08 Appropriation (d)	Collective Bargaining (e)	Reduction (f)	Additions (g)	Total FY10 (d)+(e)+(f)+(g)	MOF
				-	
401,103	30,366	(4,492)		426,977	A
				-	
401,103	30,366	(4,492)	-	426,977	Total

Fiscal Year (FY) 2011					
Act 158/08 Appropriation (h)	Collective Bargaining (i)	Reduction (j)	Additions (k)	Total FY11 (h)+(i)+(j)+(k)	MOF
				-	
401,103	30,066	(4,492)		426,677	
				-	
401,103	30,066	(4,492)	-	426,677	Total

Please indicate restrictions and reductions as negative numbers, using brackets ()

Attachment 2
FY09 Proposed Emergency Requests

<u>Program ID</u>	<u>Description of Emergency Request</u>	<u>FTE</u>	<u>\$\$\$</u>	<u>MOF</u>
LTG105	None			

Attachment 3
 Program ID Totals

<u>Prog ID</u>	<u>Title</u>	<u>Pos 10</u>	<u>\$\$\$ 10</u>	<u>Pos 11</u>	<u>\$\$\$ 11</u>	<u>MOF</u>
LTG105IA	Enforcement of Information Practices	7.50	406,653	7.50	406,653	A

Attachment 4
Budget Decisions

Priority	Prog ID/Org	Description	MOF	Dept FY10			Dept FY11			B&F FY10			B&F FY11			Gov FY10			Gov FY11		
				FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$
1	LTG1051A	Reduction in Personal Services Category (10)	A			75,729			75,729												
2	LTG1051A	Reduction in Other Current Expense Category (20)	A			4,492			4,492			4,492			4,492						4,492

Attachment 5

All Positions Vacant as of 12/1/08

<u>Date of Vacancy</u>	<u>Position Title</u>	<u>Position Number</u>	<u>Exempt (Y/N)</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>
	No Vacancies							

Attachment 6

Federal Fund Expenditures Exceeding Ceiling for FY08 and FY09 to date

<u>Prog ID</u>	<u>Appropriation Ceiling</u>	<u>Ceiling Increase</u>	<u>Date of Transfer</u>	<u>Reason for Exceeding Ceiling</u>	<u>Recurring (Y/N)</u>	<u>GF Impact (Y/N)</u>
LTG105IA	None		None			

Attachment 7

List of Transfers for FY08 and FY09 to date

<u>From Prog ID</u>	<u>To Prog ID</u>	<u>Amount Transferred</u>	<u>Date of Transfer</u>	<u>Reason for Transfer</u>	<u>Recurring (Y/N)</u>
LTG105IA	--	None			

Attachment 8
CIP Summary

<u>Priority</u>	<u>Project Title</u>	<u>FY10 \$\$\$</u>	<u>FY11 \$\$\$</u>	<u>MOF</u>
None				