

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 YEAR 2010-2011

OFFICE OF THE LIEUTENANT GOVERNOR (LTG 100)

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.

Economic Impact

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 reductions. Based on our budget appropriation for FY 09, we have experienced a 22% budget reduction for FY 10 and a 35% budget reduction for FY 11. The combined effect of these budget reductions has been considerable, both to our workforce and our day-to-day operations.

First, the Office of the Lieutenant Governor has had to reduce our workforce by 30%. This reduction is significant in an office with statewide jurisdiction and few resources to begin with. Moreover, it remains a challenge to meet our many constitutional and statutory obligations with a reduced staff.

Second, with respect to our day-to-day operations, the budget reductions 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 11. However, 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.

Alternatives Considered

Please discuss the actions your department has undertaken in the following areas:

1. Generating additional revenue for the state;

Thus far, the Office of the Lieutenant Governor has not raised costs for services we provide to the public.

2. Shifting general funded operational costs to non-general funds;

The Office of the Lieutenant Governor does not receive any non-general fund appropriations.

3. Outsourcing activities performed by eliminated personnel; and

All of the core services provided by the Office of the Lieutenant Governor are mandated by the constitution or statutory law. As a result, we have not been able to outsource any of these services.

4. Consolidation or elimination of programs within your department.

The Office of the Lieutenant Governor does not have attached programs that can be considered for consolidation or elimination.

Table 1: Department-Wide Budget Summary

Please see attached Table 1.

Table 2: Priority List of Functions

Please see attached Table 2.

Table 3: Resources by Program ID

Please see attached Table 3.

Table 4: Current Year (FY10) Restrictions

Please see attached Table 4.

Table 5: Proposed FY11 Reductions

Please see attached Table 5.

Table 6: Proposed FY11 Additions

Please see attached Table 6.

Table 7: Non-general Funds

Please see attached Table 7.

Table 8: Emergency Appropriation Requests

Please see attached Table 8.

Table 9: Budget Decisions

Please see attached Table 9.

Table 10: Vacancy Report

Please see attached Table 10.

Table 11: Personnel Separations

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Table 12: New Hires

Please see attached Table 12.

Table 13: Reduction in Force (RIF) Actions

Please see attached Table 13.

Table 14: Expenditures Exceeding Federal Fund Ceiling

Please see attached Table 14.

Table 15: Intradepartmental Transfers

Please see attached Table 15.

Table 16: Capital Improvement Program (CIP) Budget

Please see attached Table 16.

Organizational Chart

NAME	POSITION TITLE
James R. Aiona, Jr.	Lieutenant Governor
Kevin A. Souza	Chief of Staff
Harold Nedd	Deputy Chief of Staff
Viola Alipio	Executive Secretary – Lieutenant Governor
Travis Taylor	Senior Advisor - Communications
Jonathan Bolivar	Public Liaison
VACANT	Drug Control Liaison
VACANT	Administrative Assistant I
Leon J. Davenport III	Administrative Assistant I
Dawn Matsumura	Administrative Services Specialist
VACANT	Administrative Assistant I
Lehua Saturnio	Administrative Assistant I
Leona Iseke	Administrative Assistant I

Please see attached Worksheet 1 for further requested information.

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

Department of xxx
Department-wide Budget Summary

Table 1

Fiscal Year (FY) 2010					
Act 162/09 Appropriation (a)	Restriction (b)	Emergency Appropriation (c)	Total FY10 (d)	MOF	
645,918	(96,284)	-	549,634	A	
			-	B	
			-	N	
			-	T	
			-	U	
			-	W	
645,918	(96,284)	-	549,634	Total	
Fiscal Year (FY) 2011					
Act 162/09 Appropriation (e)	Reductions (f)	Additions (g)	Total FY11 (h)	MOF	
541,647	(97,803)	125,000	568,844	A	
			-	B	
			-	N	
			-	T	
			-	U	
			-	W	
541,647	(97,803)	125,000	568,844	Total	

Department of xxx
Priority List of Functions

Table 2

Pri #	Description of Function	Activities	Prog ID(s)	Statutory Reference
1	The Lieutenant Governor acts in place of the Governor in the event of the Governor's absence from the State.		LTG100	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 document	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	LTG100	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,	LTG100	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.	LTG100	HRS Section 26-1

Department of xxx
Resources by Program ID

Table 3

Prog ID/Org	Program Title	As budgeted in Act 162/09 (FY11)			Governor's Submittal (FY11)			MOF
		Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	
LTG100	Office of the Lieutenant Governor	3	10	541647	3	10	568844	A

Department of xxxx
Current Year (FY10) Restrictions

Table 4

<u>Prog ID</u>	<u>Restriction \$\$\$</u>	<u>Impact</u>	<u>MOF</u>
LTG100	96284	The combined effect of the restriction and budget reductions have been significant, both to our workforce and our day to day operations. First, the Office of the Lieutenant Governor has reduced our workforce by 30%. Second, with respect to our day to day operations, we have closely scrutinized and eliminated many expenditures, including, but no limited to travel, office equipment, supplies, postage and other office expenditures.	A

Department of xxx
Proposed FY11 Reductions

Table 5

<u>Type</u> (CB / RIF/ OA)	<u>Description of Reduction</u>	<u>Impact of Reduction</u>	<u>Prog ID</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>MOF</u>	<u>Carry-over? (Y/N)</u>
OA	Furlough Savings Reduction	This would represent a 18% decrease in our program appropriation for FY 2011.	LTG100	3	10	97803	A	N

Department of xxx
Proposed FY 11 Additions

Table 6

<u>Description of Addition</u>	<u>Prog ID</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>MOF</u>
Vacation Payout (admin changeover)	LTG100	3	10	125000	A

Non-general funds (excluding Federal Funds)

<u>Name of Fund</u>	<u>Unencumbered Cash Balance</u>	<u>MOF</u>	<u>Statutory Reference</u>
None.			

Department of xxx
Emergency Appropriation Requests

Table 8

<u>Prog ID</u>	<u>Description of Request</u>	<u>FTE</u>	<u>\$\$\$</u>	<u>MOE</u>
	None.			

Department of xxx
Budget Decisions

Table 9

Prog ID/Org	Description	MOF	Department Request			Budget & Finance			Governor's Decision		
			Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$
LTG100	Furlough Savings	A	3	10	-97803	3	10	-97203	3	10	-97803
LTG100	Vacation Payout (admin changeover)	A	3	10	125000	3	10	125000	3	10	125000

Department of xxx
Vacancy Report

Table 10

<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</u>		<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>
					<u>Paid</u>				
3/1/2009	Administrative Assistant	118006	Y	2500	2500	A	LTG100	Y	
4/1/2009	Administrative Assistant	118002	Y	2500	2500	A	LTG100	Y	
8/28/2009	Drug Control Liaison	118005	Y	5583	5583	A	LTG100	Y	

Department of xxx
Personnel Separations

Table 11

<u>Prog ID/Org</u>	<u>Position Number</u>	<u>Perm/Temp</u>	<u>MOF</u>	<u>Position Title</u>	<u>Budgeted FTE</u>	<u>Budgeted Salary</u>	<u>Actual FTE</u>	<u>Actual Salary</u>	<u>BU Code</u>	<u>SR Level</u>
LTG100	112914	T	A	Deputy Chf of Staff	1	6250	1	6250	93	SRNA
LTG100	112914	T	A	Deputy Chf of Staff	1	6250	1	6250	93	SRNA
LTG100	118002	T	A	Administrative Assistant I	1	2500	1	2500	63	SRNA
LTG100	118003	T	A	Administrative Assistant I	1	2500	1	2500	63	SRNA
LTG100	118005	T	A	Drug Control Liaison	1	5583	1	5583	73	SRNA
LTG100	118006	T	A	Administrative Assistant I	1	2500	1	2500	63	SRNA

Department of xxx
New Hires

Table 12

<u>New Hire Effective</u> <u>Date:</u>	<u>Prog ID/Org</u>	<u>Position</u> <u>Number</u>	<u>Perm/</u> <u>Temp</u>	<u>MOF</u>	<u>Position Title</u>	<u>Budgeted</u> <u>FTE</u>	<u>Budgeted</u> <u>Salary</u>	<u>Actual</u> <u>FTE</u>	<u>Actual Salary</u>	<u>BU Code</u>	<u>SR Level</u>
5/18/2009	LTG100	112914	T	A	Deputy Chf of Staff	1	6250	1	6250	93	SRNA
3/16/2009	LTG100	118003	T	A	Administrative Assistant I	1	2500	1	2500	63	SRNA
9/29/2009	LTG100	118005	T	A	Public Liaison	1	4500	1	4500	73	SRNA

Department of xxx
Reduction in Force (RIF) Actions

Table 13

<u>RIF Code</u>	<u>Prog ID/Org</u>	<u>RIF Action</u>	<u>Position ##</u>	<u>Position Title</u>	<u>MOF</u>	<u>FTE</u>	<u>Current Comp Rate</u>	<u>Position Salary Decrease</u>	<u>Position Salary Increase</u>	<u>Comp Freq (Mo/Hr)</u>	<u>SR Level</u>	<u>BU</u>	<u>Perm/ Temp</u>	<u>Placement Action</u>	<u>Reason</u>
		None.													

Department of xxx
Expenditures Exceeding Federal Fund Ceiling

Table 14

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

Department of xxx
Intrdepartmental Transfers

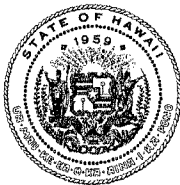
Table 15

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

Department of xxx
CIP Summary

Table 16

<u>Priority</u>	<u>Project Title</u>	<u>\$\$\$</u>	<u>MOF</u>
None.			



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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CATHY L. TAKASE
ACTING DIRECTOR

SENATE COMMITTEE ON WAYS AND MEANS
HOUSE COMMITTEE ON FINANCE

BUDGET BRIEFING FOR 2010 LEGISLATIVE SESSION
25th STATE LEGISLATURE

OFFICE OF INFORMATION PRACTICES (LTG 105IA)
(Office of the Lieutenant Governor)

Mission Statement

OIP's broad mission is to provide legal guidance and assistance to the public as well as all state and county boards and agencies under both the State's public records law, the Uniform Information Practices Act (Modified) (UIPA), HRS chapter 92F, and the State's open meetings law, HRS chapter 92 (the Sunshine Law).

This includes assisting the public in obtaining access to government records except where withholding is allowed by law; assisting government agencies and boards in complying with the UIPA and Sunshine Law; providing formal and informal legal guidance under both laws upon request by the public or government entities; investigating and resolving complaints relating to the public's access and participation in government board meetings under the Sunshine Law; ruling on appeals of denials of access to records under the UIPA as an alternative method of appeal for members of the public; keeping government accountable to individuals in the collection, use and dissemination of information about them; providing education under both laws to the public to inform the public of their rights and the procedures for exercising those rights; providing education and training to government boards and agencies regarding board and agency responsibilities under, and compliance with, the Sunshine Law, the UIPA and OIP's administrative rules.

Economic Impact

Decreases in personnel and employee work hours have caused OIP to institute measures it believes will best utilize its limited resources to provide assistance to the broadest range of individuals, boards, and agencies requesting OIP's services. OIP believes that as boards and agencies struggle to meet all of their duties with less manpower, it is likely that OIP will see an increase in requests and complaints made to OIP.

Similar to other agencies, OIP is adapting its procedures to fulfill its duties to the greatest extent possible. In an effort to clear a backlog of appeals, opinion requests and investigations and to provide timely assistance to current requests, OIP will issue abbreviated opinions to resolve requests where OIP's reasoning is based upon prior, published OIP opinions, or where it may otherwise be appropriate. New procedures will also include an emphasis on informal resolution and consolidation of similar requests that may be more efficiently addressed together. Full legal opinions will still be given where useful to provide guidance on issues or specific records not previously addressed by OIP in a published opinion. OIP will also continue to provide general, informal advice through its well used "Attorney of the Day" service.

In the immediate future, OIP will also be issuing advisory opinions to address UIPA appeals from agency denials of access to any government record. This is due in part to staffing constraints and the time demands to issue determinations, and in part to the recent affirmation by the Hawaii Supreme Court of a court challenge by the County of Kauai of an OIP determination on disclosure of executive meeting minutes of the Kauai County Council. The potential for such lawsuits is a concern because the time and effort required for OIP's small legal staff to defend those suits detracts from OIP's primary mission of providing legal guidance and assistance under the UIPA and Sunshine Law.

OIP will continue to provide training on the outer islands and for smaller groups on Oahu, but the number of training slots available will be more limited. OIP is working to produce a video for basic Sunshine Law training that will be made available in lieu of live training. Educational materials are available for downloading on OIP's website and very limited quantities of printed materials will be made available for distribution.

Alternatives Considered

None of the listed alternatives are applicable to or authorized for OIP.

Tables 1 - 5.

Attached.

Tables 6 - 8.

Not applicable.

Tables 9 - 11.

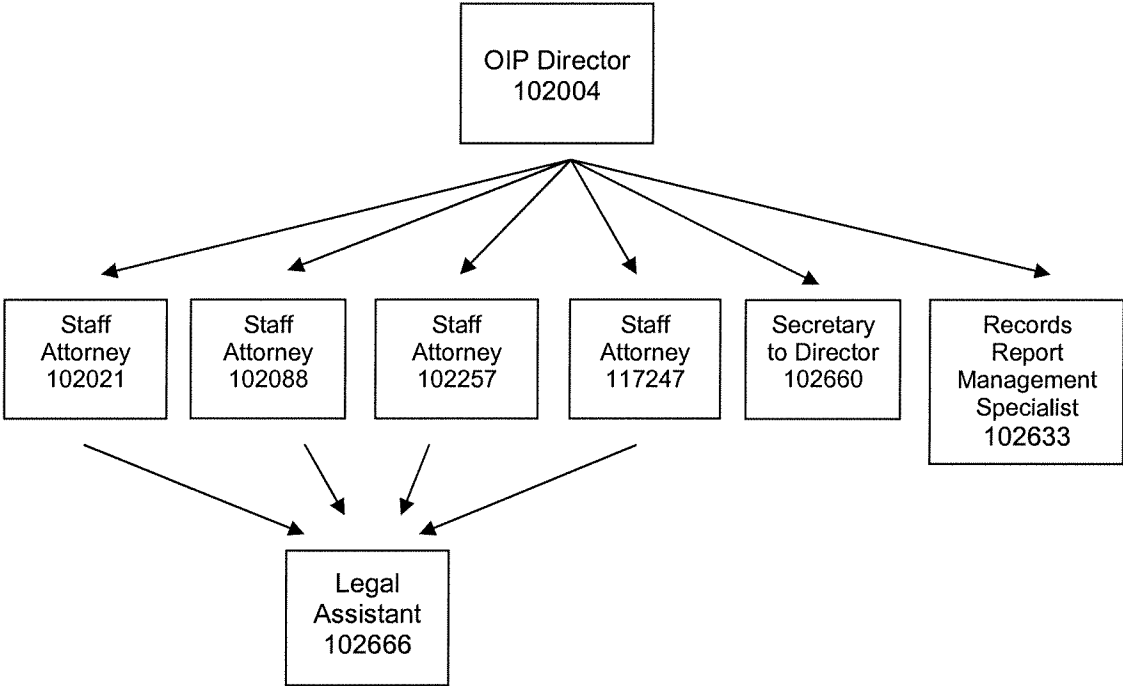
Attached.

Tables 12 - 16.

Not applicable.

Organizational Chart

The OIP is an attached agency to the Office of the Lieutenant Governor for administrative purposes only.



Department of Lieutenant Governor
OFFICE OF INFORMATION PRACTICES
Department-wide Budget Summary

Table 1

Fiscal Year (FY) 2010				
Act 162/09 Appropriation (a)	Restriction (b)	Emergency Appropriation (c)	Total FY10 (d)	MOF
426,977	(54,027)	-	372,950	A
			-	B
			-	N
			-	T
			-	U
			-	W
426,977	(54,027)	-	372,950	Total
Fiscal Year (FY) 2011				
Act 162/09 Appropriation (e)	Reductions (f)	Additions (g)	Total FY11 (h)	MOF
426,977	(62,530)		364,447	A
			-	B
			-	N
			-	T
			-	U
			-	W
426,977	(62,530)	-	364,447	Total

Department of Lieutenant Governor
OFFICE OF INFORMATION PRACTICES
Priority List of Functions

Pri #	Description of Function	Activities	Prog ID(s)	Statutory Reference
1	Administration of the State's Public Records Law, the Uniform Information Practices Act (Modified)	(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 legal guidance concerning access issues; (5) assisting agencies in complying with legal requirements; and (6) offering workshops and other educational training to agency personnel and the public.	LTG105IA	Chapter 92F, HRS
2	Administration of the State's Open Meetings Law (the Sunshine Law)	(1) Rendering advisory opinions concerning the public's right to participate in meetings of government boards; (2) investigating and resolving complaints concerning a board's noncompliance with the requirements of the Sunshine law; (3) providing general guidance concerning open meetings issues; (4) assisting boards and agency staff in complying with legal requirements; and (5) offering workshops and other educational training to board members, board staff and the public.	LTG105IA	Part 1, Chapter 92, HRS
3	Administration of the State's Records Report System (RRS)	Assist agencies with meeting their annual statutory obligations in maintaining their reports; provide ongoing RRS workshops for city and state RRS coordinators; and produce and publish OIP's educational materials.	LTG105IA	Section 92F-18(b), HRS

Department of Lieutenant Governor
OFFICE OF INFORMATION PRACTICES
Current Year (FY10) Restrictions

Table 4

<u>Prog ID</u>	<u>Restriction \$\$\$</u>	<u>Impact</u>	<u>MOF</u>
LTG1051A	54,027	Furloughs and appointment of Acting Director from current staff.	A

Department of Lieutenant Governor
 OFFICE OF INFORMATION PRACTICES
 Proposed FY11 Reductions

Table 5

<u>Type</u> (CB / RIF / OA)	<u>Description of Reduction</u>	<u>Impact of Reduction</u>	<u>Prog ID</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>MOF</u>	<u>Carry-over? (Y/N)</u>
OLC	Furlough Savings	2 day furloughs a month.	LTG105IA			23,431	A	Y
OA	Vacancy Savings	OIP Director position remains unfilled and OIP staff attorney continues to serve as acting director for a portion of the fiscal year.	LTG105IA			39,099	A	Y

Department of Lieutenant Governor
OFFICE OF INFORMATION PRACTICES
Budget Decisions

Table 9

Prog ID/Org	Description	MOF	Department Request			Budget & Finance			Governor's Decision		
			Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$
LTG105IA	Furlough Savings	A			23,431			23,431			23,431
LTG105IA	Vacancy Savings (OIP Director)	A			39,099			39,099			39,099

Department of Lieutenant Governor
 OFFICE OF INFORMATION PRACTICES
 Vacancy Report

Table 10

<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>
11/9/2009	OIP Director	102004	Y	93,314	93,314	A	LTG105IA	

Department of Lieutenant Governor
 OFFICE OF INFORMATION PRACTICES
 Personnel Separations

Table 11

<u>Prog ID/Org</u>	<u>Position Number</u>	<u>Perm/Temp</u>	<u>MOF</u>	<u>Position Title</u>	<u>Budgeted FTE</u>	<u>Budgeted Salary</u>	<u>Actual FTE</u>	<u>Actual Salary</u>	<u>BU Code</u>	<u>SR Level</u>
LTG105IA	102004	Perm	A	OIP Director	1.00	93,314	1.00	93,314	93	N/A