

# H.B. NO. 1059

---

## A BILL FOR AN ACT

RELATING TO THE BUDGET

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. This Act is recommended by the governor for  
2 immediate passage in accordance with section 9 of article VII of  
3 the Constitution of the state of Hawaii.

4           SECTION 2. The purpose of this Act is to amend Act 162,  
5 Session Laws of Hawaii 2009, as amended by Act 180, Session Laws  
6 of Hawaii 2010, to:

7       (1) Appropriate additional general funds for the office of the  
8 governor (GOV 100) and the office of the lieutenant  
9 governor (LTG 100) for fiscal year 2010-2011, to provide  
10 full-year staffing for the office of the governor and the  
11 office of the lieutenant governor to properly exercise  
12 statewide statutory and constitutional obligations of their  
13 offices;

14       (2) Appropriate additional general funds for the department of  
15 business, economic development and tourism (BED 142) for  
16 fiscal year 2010-2011, to provide funds and positions for  
17 the deputy director and deputy director's secretary;

18       (3) Provide general fund positions for the department of  
19 defense (DEF 110) for fiscal year 2010-2011, for the deputy

H.B. NO. 1059

1 adjutant general and deputy adjutant general's secretary  
 2 position and;  
 3 (4) Provide a general fund position for the department of labor  
 4 and industrial relations (LBR 902) for fiscal  
 5 year 2010-2011, for the deputy director's secretary.

6 The immediate passage of this appropriation is necessary to  
 7 meet fiscal year 2010-2011 program requirements for the office  
 8 of the governor, office of the lieutenant governor, department  
 9 of business, economic development and tourism, department of  
 10 defense, and the department of labor and industrial relations.

11 SECTION 3. Act 162, Session Laws of Hawaii 2009, as  
 12 amended by Act 180, Session Laws of Hawaii 2010, is amended by  
 13 amending item A.3 in section 3 to read as follows:

14 "A. ECONOMIC DEVELOPMENT  
 15 3. BED142 - GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT  
 16 30.00\* [~~19.00\*~~]  
 17 21.00\*  
 18 OPERATING BED 1,874,560A [~~1,115,511A~~]  
 19 1,174,463A"

20 SECTION 4. Act 162, Session Laws of Hawaii 2009, as  
 21 amended by Act 180, Session Laws of Hawaii 2010, is amended by  
 22 amending item B.16 in section 3 to read as follows:

23 "B. EMPLOYMENT  
 24 16. LBR902 - GENERAL ADMINISTRATION  
 25 OPERATING 25.04\* [~~18.52\*~~]  
 26 19.52\*  
 27 LBR 1,379,475N 961,495A  
 28 35.48\* 27.06\*  
 29 LBR 3,228,809N 2,609,604N"

H.B. NO. 1059

1 SECTION 5. Act 162, Session Laws of Hawaii 2009, as  
 2 amended by Act 180, Session Laws of Hawaii 2010, is amended by  
 3 amending item I.22 in section 3 to read as follows:

4 "I. PUBLIC SAFETY  
 5 22. DEF110 - AMELIORATION OF PHYSICAL DISASTERS

6			125.80*	[104.30*]
7				<u>106.30*</u>
8	OPERATING	DEF	11,200,254A	9,622,549A
9			81.70*	83.95*
10		DEF	74,207,982N	83,353,987N
11		DEF	464,458S	464,458S
12		DEF	12,019,595U	11,989,279U
13	INVESTMENT CAPITAL	AGS	7,206,000C	3,861,000C
14		DEF	2,335,000C	840,000C
15		AGS	1,000,000N	925,000N
16		DEF	7,225,000N	2,015,000N"

17 SECTION 6. Act 162, Session Laws of Hawaii 2009, as  
 18 amended by Act 180, Session Laws of Hawaii 2010, is amended by  
 19 amending items K.1 and K.2 in section 3 to read as follows:

20 "K. GOVERNMENT-WIDE SUPPORT  
 21 1. GOV100 - OFFICE OF THE GOVERNOR

22			31.00*	27.00*
23	OPERATING	GOV	3,176,357A	[1,683,915A]
24				<u>2,747,631A</u>
25				<u>29,050T</u>
26	INVESTMENT CAPITAL	GOV	1,000C	1,000C"

27  
 28 2. LTG100 - OFFICE OF THE LIEUTENANT GOVERNOR

29			3.00*	3.00*
30	OPERATING	GOV	645,918A	[421,017A]
31				<u>722,099A"</u>

32 SECTION 7. Part VII, Act 162, Session Laws of Hawaii 2009,  
 33 as amended by Act 180, Session Laws of Hawaii 2010, is amended  
 34 by:

35 (1) By amending section 127 to read as follows:  
 36 "SECTION 127. Except as otherwise provided, the  
 37 appropriation for the office of the governor (GOV 100) shall be

1 expended at the discretion of the governor; provided further  
2 that for fiscal year 2010-2011, the outgoing administration  
3 shall not expend or encumber more than \$1,236,780 and the  
4 incoming administration shall not expend or encumber more than  
5 [~~\$447,135~~] \$1,510,851 of the general fund appropriation;  
6 provided further that the incoming administration shall not  
7 expend more than \$50,000 for the purposes of gubernatorial  
8 transition; and provided further that the office of the governor  
9 shall submit a report detailing the uses of gubernatorial  
10 transition funds to the legislature no later than twenty days  
11 prior to the convening of the 2011 regular session."

12 (2) By amending section 128 to read as follows:

13 "SECTION 128. Except as otherwise provided, the  
14 appropriation for the office of the lieutenant governor  
15 (LTG 100) shall be expended at the discretion of the lieutenant  
16 governor; provided further that for fiscal year 2010-2011, the  
17 outgoing administration shall not expend or encumber more than  
18 \$300,508 and the incoming administration shall not expend or  
19 encumber more than [~~\$120,509~~] \$421,591 of the general fund  
20 appropriation."

21 SECTION 8. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

23

H.B. NO. 1059

1 SECTION 9. This Act shall take effect upon approval.

2

3

4

5

INTRODUCED BY:

Calvin K. Ray

BY REQUEST

JAN 24 2011

**Report Title:**

Relating to the Budget

**Description:**

To 1) appropriate funds and positions in fiscal year 2010-2011 to enable staffing of the Offices of the Governor and the Lieutenant Governor from January 2011 through June 2011; and 2) appropriate positions and funds for Deputy and/or Deputy's secretary for specified positions.

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT RELATING TO THE BUDGET.

PURPOSE: To 1) appropriate funds and positions in fiscal year 2010-2011 to enable staffing of the Offices of the Governor and the Lieutenant Governor from January 2011 through June 2011; and 2) appropriate positions and funds for Deputy and/or Deputy's secretary for specified positions.

MEANS: Authorize emergency appropriations of general funds effective fiscal year 2010-2011 for expenditure by the Office of the Governor, the Office of the Lieutenant Governor, Department of Business, Economic Development and Tourism, Department of Defense, and the Department of Labor and Industrial Relations.

JUSTIFICATION: The 2009 and 2010 Regular Sessions of the Legislature deleted the Administration's funding request for full-year staffing of the Office of the Governor in fiscal year 2010-2011. Funding authorized by the Legislature by Act 162, SLH 2009, as amended by Act 180, SLH 2010, deleted requested funding for the last two quarters of fiscal year 2010-2011, effectively omitting gubernatorial staffing from January through June 2011. Funding was also deleted for certain positions and operating expenses for the Office of the Lieutenant Governor, Department of Business, Economic Development and Tourism, Department of Defense, and the Department of Labor and Industrial Relations.

Impact on the public: The requested funding is necessary to enable the Governor and the Lieutenant Governor, as highest officers of the Executive Branch, to properly exercise

statewide statutory and constitutional obligations of their offices. Without the means to engage appropriate staff support, the Governor and Lieutenant Governor cannot be expected to manage and ensure the proper implementation of State programs and services provided to the public. The reality of three separate but co-equal branches of government will be thereby thwarted and indirectly undermined, unless reasonable capabilities are provided to the executive as well. The Deputy Director positions and Deputy Director's secretary positions are critical to enable departments to properly operate and manage their respective department's programs and functions.

Impact on the department and other agencies:

This request for funding seeks to reestablish the appropriate balance between the branches of government by providing sufficient resources to the Governor. This will enable the Governor to properly exercise that office's responsibilities for management of all Executive departments and agencies. The requested funding will also provide necessary resources to support general operations of the Office of the Lieutenant Governor in the capacity as Secretary of State, Department of Business, Economic Development and Tourism, Department of Defense, and the Department of Labor and Industrial Relations.

Other impacts: The general fund recommendation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to Section 37-92, Hawaii Revised Statutes.

GENERAL FUND:	\$1,364,798.
OTHER FUNDS:	\$29,050 Trust fund.
PPBS PROGRAM	



DESIGNATION: GOV 100, LTG 100, BED 142, DEF 110, LBR 902.

OTHER AFFECTED AGENCIES: All Executive departments and agencies of the State.

EFFECTIVE DATE: Upon approval.