



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

February 12, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

For your information and consideration, I am transmitting herewith two (2) copies of the Director of Finance's reports pursuant to Sections 115 and 134 of Act 162, SLH 2009, the General Appropriations Act of 2009. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at www.hawaii.gov/budget/legreports.

Sincerely,

LINDA LINGLE

Enclosures



EXECUTIVE CHAMBERS
HONOLULU

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GOVERNOR

February 12, 2010

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Fifth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

For your information and consideration, I am transmitting herewith two (2) copies of the Director of Finance's reports pursuant to Sections 115 and 134 of Act 162, SLH 2009, the General Appropriations Act of 2009. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at www.hawaii.gov/budget/legreports.

Sincerely,

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Enclosures

**DIRECTOR OF FINANCE'S REPORTS TO LEGISLATURE
PURSUANT TO
ACT 162, SLH 2009, GENERAL APPROPRIATIONS ACT OF 2009**

SECTION 115. Any law or provision to the contrary notwithstanding, in expending funds for social welfare programs, education programs, and other programs and agencies having appropriations which are based on population and workload data as specified in the executive budget document, only so much as is necessary to provide the level of services intended by the legislature shall be expended. Affected agencies shall reduce expenditures below appropriations under procedures prescribed by the department of budget and finance in the event actual population and workload trends are less than the figures projected; and provided further that the department of budget and finance shall notify the legislature within five business days of each application of this proviso and submit a report of all applications of this proviso for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions.

No activity to report.

SECTION 134. Provided that no funds, including federal funds, shall be expended to fill any position not authorized by the legislature; provided further that this prohibition shall not apply to:

- (1) The University of Hawaii and the Hawaii health systems corporation;
- (2) Positions entirely federally funded;
- (3) Positions established pursuant to section 76-16(b) subsections (3), (13), (21), and (23), Hawaii Revised Statutes;
- (4) Where an agency has explicit statutory authorization to establish positions to accomplish necessary functions; or
- (5) Temporary positions funded wholly or partially with federal funds from the American Recovery and Reinvestment Act of 2009;

provided further that with regard to any of the positions identified in paragraphs (1), (2), (3), (4), or (5), the respective agency or department shall submit a report to the legislature within ten days of each use of this provision; provided further that the report shall include:

- (1) Authority used to establish the position;
- (2) Date the position was established;
- (3) Projected date the position will be filled;
- (4) Amounts projected to be expended in fiscal year 2009-2010 and in fiscal year 2010-2011;
- (5) Source of funds used to pay for the position; and
- (6) Functions to be performed by the position;

and provided further that the department of budget and finance shall submit to the legislature a summary report of all uses of this proviso for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions.

Refer to Attachment A.

Section 134 Summary Report of Unauthorized Positions Reporting Period December 1, 2008 - November 30, 2009			
Position Title	Purpose	Authorization	Approved by Gov
Department of the Attorney General			
Special Assistant to the AG	Direct and monitor administrative or managerial special projects.	Section 28-8.5, HRS	7/1/1989
Secretary to the Special Assistant to the AG	Service all Divisions, processes Dept testimony.	Section 28-8.5, HRS	7/1/1989
Administrative Services Manager	Oversee all administrative matters of the Dept.	Section 28-7.5, HRS	7/13/1988
Department of Business, Economic Development and Tourism			
Renewable Energy Permitting Specialist	Support permit facilitation	Act 162/09, Section 134(5)	8/31/2009
Fuels Specialist	Serve as subject matter expert on bioenergy and fuels	Act 162/09, Section 134(5)	8/31/2009
Solar Energy Specialist	Serve as subject matter expert on solar energy	Act 162/09, Section 134(5)	8/31/2009
Wind Energy Specialist	Serve as subject matter expert on wind energy	Act 162/09, Section 134(5)	8/31/2009
Renewable Energy Analyst	Coordinate activities in bioenergy and transportation	Act 162/09, Section 134(5)	8/31/2009
Energy Emergency Planning Analyst	Provide support relating to the State's Energy Emergency Preparedness Plan	Act 162/09, Section 134(5)	8/31/2009
Energy Planning Analyst	Provide support to the DBEDT Director's statutory role as State Energy Resources Coordinator	Act 162/09, Section 134(5)	8/31/2009
Energy Planning Analyst	Provide support to the DBEDT Director's statutory role as State Energy Resources Coordinator	Act 162/09, Section 134(5)	8/31/2009
Energy Data Analyst	Support the data research, collection, management and analysis function of the branch	Act 162/09, Section 134(5)	8/31/2009
Department of Defense			
Task Force Emergency Readiness Project Planner	Perform enhanced catastrophic disaster planning.	Section 128-10(11), HRS	2/9/2009
Task Force Emergency Readiness Project Planner	Perform interstate mutual aid planning.	Section 128-10(11), HRS	2/9/2009
Department of Transportation			
Federal Transit Authority Grant Development Specialist	To manage and oversee Federal Transit Authority programs, which provide federal funding for buses, para-transit vehicles, and commuter ferries and their operations to transport commuters and elderly, disabled, and economically disadvantaged persons	Act 213/07, as amended by Act 158/08, Section 191(2)	5/18/2009