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**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
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HONOLULU, HAWAII 96813-2437

February 2, 2015

**TESTIMONY TO THE  
SENATE COMMITTEE ON JUDICIARY AND LABOR**

For Hearing on TUESDAY, FEBRUARY 3, 2015  
9:00 a.m., Conference Room 016

BY

JAMES K. NISHIMOTO  
DIRECTOR

**Senate Bill No. 472**  
**Relating to the Office of Information Practices**

**WRITTEN TESTIMONY ONLY**

TO CHAIRPERSON GILBERT S.C. KEITH-AGARAN, VICE CHAIR MAILE S.L. SHIMABUKURO AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide comments on Senate Bill No. 472 (S.B. 472).

The Department of Human Resources Development has **comments** on the proposed transfer. To protect the rights and benefits of the employees to be transferred, the language for the transfer of civil service employees and officers from one agency to another in the second paragraph of Section 6 should read:

“All employees who occupy civil service positions and whose functions are transferred to the department of health by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without loss of salary, seniority (except as prescribed by

applicable collective bargaining agreement), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act, provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable, provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.”

Thank you for the opportunity to offer comments on this measure.

ESD

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: [oiip@hawaii.gov](mailto:oiip@hawaii.gov)

To: Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 3, 2015, at 9:00 a.m.  
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 472  
Relating to the Office of Information Practices

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) supports this bill, which would transfer OIP to the Department of Accounting and General Services (“DAGS”) in 2016, clarify the independence of OIP as an administratively attached agency, clarify the employment status of OIP attorneys and the civil service exception for OIP personnel, and appropriate funds to DAGS for positions to provide administrative support to OIP and its other administratively attached agencies.

The Legislative Reference Bureau’s recently completed a report on the feasibility of transferring OIP to DAGS (“LRB Report”) is now online at <http://lrbhawaii.info/reports/legrpts/lrb/2014/oipdags.pdf>. As the LRB Report noted, OIP is currently administratively attached to the office of the Lieutenant Governor as a “temporary office . . . for a special purpose,” because permanent offices must be housed in one of the principal executive branch departments. OIP, however, is not in fact a temporary office, as it has now been in existence for over 25 years, so the transfer to DAGS would better comply with the constitutional requirement for permanent offices to be housed in a suitable department.

OIP further supports the provisions making clear that OIP will retain its independence as a good government agency, and is transferring to DAGS for administrative purposes only. Consequently, OIP's Director will continue to communicate directly with the Governor and the Legislature, to make hiring and purchase decisions for the office, and to maintain the current exempt status for OIP's Director and its employees. While OIP follows the State's personnel, purchasing, and budget rules and procedures, its personnel, purchasing, and budget decisions or requests should not be subject to prior approval by the DAGS Director.

Finally, OIP supports the appropriation request by DAGS to fund two position needed to provide administrative support to OIP and all other agencies that are now administratively attached to DAGS.



House Judiciary Committee  
Chair Gilbert Keith-Agaran, Vice Chair Maile Shimabukuro

Tuesday 02/03/2015 at 9:00 AM in Room 016  
SB472 Relating to the Office of Information Practices

TESTIMONY OF SUPPORT  
Carmille Lim, Executive Director, Common Cause Hawaii

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Dear Chair Keith-Agaran, Vice Chair Shimabukuro and members of the Senate Judiciary and Labor Committee:

**Common Cause Hawaii supports SB472**, which will transfer the Office of Information Practices (OIP) from the Office of the Lieutenant Governor (LG) to the Department of Accounting and General Services (DAGS).

We believe the current administrative attachment of the OIP to the LG allows the potential for undue political influence to exist. In harmony with Common Cause Hawaii's efforts to strengthen government transparency, this bill offers acceptable measures that will safeguard the autonomy of the OIP as an administrative attachment to DAGS.

Thank you for the opportunity to testify in support of SB472.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [REDACTED]  
**Subject:** \*Submitted testimony for SB472 on Feb 3, 2015 09:00AM\*  
**Date:** Friday, January 30, 2015 4:51:48 PM

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**SB472**

Submitted on: 1/30/2015

Testimony for JDL on Feb 3, 2015 09:00AM in Conference Room CR016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [REDACTED]  
**Subject:** \*Submitted testimony for SB472 on Feb 3, 2015 09:00AM\*  
**Date:** Sunday, February 01, 2015 9:32:12 AM

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**SB472**

Submitted on: 2/1/2015

Testimony for JDL on Feb 3, 2015 09:00AM in Conference Room CR016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Glenn Shiroma	Individual	Support	No

Comments:

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Feb. 2, 2015

Ryan Kawaiiani Ozawa

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sen. Gilbert S.C. Keith-Agraran, Chair; Sen. Maile S.L. Shimabukuro, Vice Chair, honorable Senators on the Committee on Judiciary and Labor:

I am writing to **support SB472 relating to the Office of Information Practices.**

I have been an advocate for open data policies and practices since studying and practicing journalism at the University of Hawaii, then as an independent publisher and blogger. The Office of Information Practices plays a critical role in ensuring government transparency and access to government records.

Given the important work it performs, which is only increasing in relevance as the scope of and interest in government records grows, the OIP should be a permanent agency within the state. In addition, since it must necessarily play a non-partisan role that could often find it at odds with the administration, it should absolutely be taken out from under the Lieutenant Governor's office and placed with the Department of Accounting and General Services, with which it shares several common purposes and related functions.

Thank you for your consideration.

Malama pono,

Ryan Ozawa  
HawaiiWeblog.com