

STAND. COM. REP. NO. 2083

Honolulu, Hawaii

FEB 08 2018

RE: S.B. No. 2735
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2735 entitled:

"A BILL FOR AN ACT RELATING TO THE INDEPENDENCE OF THE OFFICE OF INFORMATION PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the Office of Information Practices' Director's term for six years and thereafter until a successor is appointed; and
- (2) Set the salary of the director equivalent to the salary of the Director of Health.

Your Committee received testimony in support of this measure from the Office of Information Practices, Office of the Ombudsman, and two individuals. Your Committee received testimony in opposition to this measure from the Civil Beat Law Center for the Public Interest.

Your Committee finds that the terms of service and salaries of most state agency directing officers are fixed by statute. In contrast, the Director of the Office of Information Practices is appointed by the Governor and the Director's salary is set by the Governor. Fixing the Director's term of service and salary by



statute will increase the independence of the Director and make the Office of Information Practices more consistent with other state agencies.

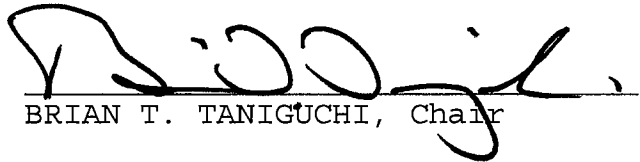
Your Committee does not assume that the current Director of the Office of Information Practices will be nominated after the enactment of this measure.

Your Committee has amended this measure by:

- (1) Changing the Office of Information Practices' Director's salary to be the same as the salary of a tier-one deputy department director as recommended by the Commission on Salaries;
- (2) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2735, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2735, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2735	JDC, WAM	2/1/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes