
A BILL FOR AN ACT

RELATING TO THE INDEPENDENCE OF THE OFFICE OF INFORMATION PRACTICES.

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

1 SECTION 1. The legislature finds that part I of chapter
2 92, Hawaii Revised Statutes, the Sunshine Law, and chapter 92F,
3 Hawaii Revised Statutes, the Uniform Information Practices Act
4 (Modified), are intended to encourage public scrutiny and
5 participation in government processes. The office of
6 information practices, which administers both laws, serves as a
7 neutral third party providing advice and resolving disputes
8 involving the laws. In that capacity, the office of information
9 practices provides advice and counsel to the general public and
10 to all state and county agencies, including the attorney
11 general, county corporation counsels, the judiciary, the
12 legislature, all executive branch agencies, and independent
13 entities such as the University of Hawaii and the office of
14 Hawaiian affairs. The office's powers and duties are vested in
15 its director. However, unlike legislative agency heads and good
16 government agencies such as the ombudsman, auditor, ethics



1 commission's executive director, and director of the legislative
2 reference bureau, all of whom have term length and salary set by
3 statute, the office of information practices' director's term,
4 removal, and salary are at the governor's sole discretion.

5 The purpose of this Act is to statutorily set the office of
6 information practices' director's term, removal, and salary
7 based on the existing statutory provisions relating to
8 legislative and executive agency heads to avoid the potential
9 for undue political interference with the office of information
10 practices' government function, to promote the office's
11 independence and neutrality, to provide administrative
12 stability, and to help retain the experience and knowledge of
13 the office's staff.

14 SECTION 2. Section 92F-41, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) The governor shall nominate and, by and with the
17 advice and consent of the senate, appoint a director of the
18 office of information practices to be its chief executive
19 officer, who shall serve for a period of six years and shall
20 continue in office until a successor is nominated and appointed,
21 and who shall be exempt from chapter 76. The governor may



1 remove or suspend the director from office for cause after due
2 notice and public hearing. Effective July 1, 2018, the salary
3 of the director shall be the same as the salary of the director
4 of health, as recommended by the commission on salaries, without
5 diminution during the term of the director of the office of
6 information practices unless by general law applying to all
7 salaried officers of the State."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2018-2019 to
11 implement the purposes of this Act.

12 The sum appropriated shall be expended by the office of
13 information practices for the purposes of this Act.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2018.



Report Title:

Office of Information Practices; Appropriation

Description:

Statutorily establishes the Director of the Office of Information Practices' term for 6 years and thereafter until a successor is appointed, and sets the Director's salary to an amount equivalent to the salary of the Director of Health. Makes an appropriation to the Office of Information Practices.
(SD2)

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