

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
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To: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: February 18, 2015, 2:00 p.m.
State Capitol, Conference Room 308

Re: Testimony on H.B. No. 461
Relating to the Office of Information Practices

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 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 positions needed to provide administrative support to OIP and all other agencies that are now administratively attached to DAGS.

Thank you for the opportunity to testify.



LEAGUE OF
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HOUSE COMMITTEE ON FINANCE
Hearing Scheduled 2 pm, Wednesday, February 18, 2015, Conference Room 308
HB 461 RELATING TO THE OFFICE OF INFORMATION PRACTICES
TESTIMONY
Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Luke, Vice-Chair Nishimoto, and Committee Members:

The League of Women Voters of Hawaii supports HB 461 to transfer the Office of Information Practices (OIP) to the Department of Accounting and General Services (DAGS). Hawaii's Constitution does not allow OIP to be permanently administratively attached to the Office of the Lieutenant Governor. Provided that OIP's autonomy is preserved, as proposed in HB 461, administrative attachment to DAGS seems reasonable.

Thank you for the opportunity to submit testimony.

TO: Members of the Committee on Finance

FROM: Natalie Iwasa
Honolulu, HI 96825
808-395-3233

HEARING: 2 p.m. Wednesday, February 18, 2015

SUBJECT: HB 461 Relating to Office of Information Practices - **COMMENTS**

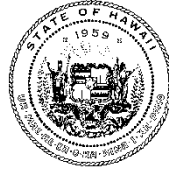
Aloha Chair and Committee Members,

Thank you for allowing me the opportunity to provide testimony on HB 461, which makes changes related to the Office of Information Practices (OIP).

Almost two years ago, I asked the OIP to check a possible violation of the sunshine law. To date, that case is still open, and the issue continues to come up at least annually. A two-year backlog for an agency that is supposed to help the public hold its elected officials accountable is unacceptable. If additional staff members are needed in order to get timely service from this department, I support those increases.

I also support changes to increase independence of the OIP.

DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

LATE

TESTIMONY
OF
DOUGLAS MURDOCK, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
FINANCE
ON
FEBRUARY 18, 2015

H.B. 461

RELATING TO THE OFFICE OF INFORMATION PRACTICES

Chair Luke and members of the Committee, thank you for the opportunity to testify on H.B. 461. The Department of Accounting and General Services (DAGS) provides the following comments on H.B. 461.

DAGS recommends that the Committee delete or modify SECTION 1 of H.B. 461 (at page 1, lines 4 – 17) because Section 26-35, Hawaii Revised Statutes (HRS), applies to boards and commissions and the Office of Information Practices (OIP) is not a board or commission nor does it have a board or commission with governing responsibility.

DAGS has no objection to OIP having direct communications with the Governor and Legislature. This authority could be added to SECTION 5 of the bill by including the power in Section 92F-41, HRS, by adding the language “(e) Make direct communications with the governor and legislature.”

In addition, because Section 26-35, HRS, does not apply to OIP, the Committee should consider adding to SECTION 5 of the bill the following paragraphs under Section 92F-41, HRS, in order to maintain OIP's independent decision making ability:

“(f) Any quasi-judicial functions of the office of information practices shall not be subject to the approval, review, or control of the head of the department.

“(g) The head of the department shall not have the power to supervise or control the office of information practices in the exercise of its functions, duties, and powers under section 92F-42 – Powers and duties of the office of information practices.”

This above proposed language is similar to Section 26-35(7) and (8), HRS.

DAGS objects to the exemptions from administrative control for personnel matters and purchasing. DAGS cannot properly service or assist OIP if these areas are exempt from administrative control.

Thank you for the opportunity to testify on this matter.