

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 472

S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 472, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to transfer the administrative attachment of the Office of Information Practices from the Office of the Lieutenant Governor to the Department of Accounting and General Services.

Specifically, the measure:

- (1) Transfers the Office of Information Practices as an administratively attached agency of the Office of the Lieutenant Governor to the Department of Accounting and General Services;
- (2) Authorizes the Office of Information Practices to make direct communications with the Governor and Legislature;
- (3) Clarifies the employment status of attorneys employed by the Office of Information Practices and the civil service exemption for Office of Information Practices personnel;
- (4) Appropriates an unspecified sum to the Department of Accounting and General Services for two additional



positions to provide administrative support for the Office of Information Practices and other agencies administratively attached to the Department; and

- (5) Makes a housekeeping amendment to section 28-8.3, Hawaii Revised Statutes, to delete an obsolete reference.

Your Committee received written comments in support of this measure from the Office of the Lieutenant Governor, the Office of Information Practices, and Common Cause Hawaii. Your Committee received written comments on this measure from the Department of Accounting and General Services.

Your Committee finds that recognizing the Office of Information Practices as a permanent office and administratively attaching it to the Department of Accounting and General Services, rather than the Office of the Lieutenant Governor, complies with the constitutional requirement that permanent offices be housed in one of the principal executive branch departments.

Your Committee further finds that it should be clarified that, upon administrative attachment of the Office of Information Practices to the Department of Accounting and General Services:

- (1) Any quasi-judicial functions of the Office of Information Practices shall not be subject to the approval, review, or control of the Comptroller; and
- (2) The Comptroller 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, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Deleting the provisions of a new section to be added to chapter 92F, part IV, Hawaii Revised Statutes, and clarifying the intent of these provisions by incorporating them into existing section 92F-41, Hawaii Revised Statutes, to provide that the Office of Information Practices shall be:
 - (A) Allowed to make direct communications with the Governor and Legislature; and



- (B) Required to follow and be subject to all applicable personnel laws;
- (2) Further amending section 92F-41, Hawaii Revised Statutes, to provide that:
- (A) Any quasi-judicial functions of the Office of Information Practices shall not be subject to the approval, review, or control of the Comptroller; and
 - (B) The Comptroller 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, Hawaii Revised Statutes; and
- (3) Deleting the appropriations to the Department of Accounting and General Services for the two additional positions to provide administrative support to agencies attached to the Department.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 472, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 472, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

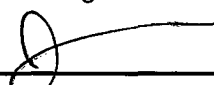


JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB472 SD1	JDL, WAM	2/27/15		
<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
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)				✓
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
TOTAL	10	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes