

STAND. COM. REP. NO. 930

Honolulu, Hawaii

MAR 23 2015

RE: H.B. No. 461
S.D. 1

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

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 461 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:

- (1) Transfer 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) Exempt the Office of Information Practices from certain laws requiring oversight by the Comptroller and authorize the Office of Information Practices to make direct communications with the Governor and Legislature, make all decisions regarding employment, and purchase all supplies, equipment, and furniture without the approval of the Comptroller;
- (3) Clarify the employment status of attorneys employed by the Office of Information Practices and the civil service exemption for Office of Information Practices personnel; and
- (4) Appropriate 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.

Your Committee received testimony in support of this measure from the Office of the Lieutenant Governor, Office of Information Practices, Common Cause Hawaii, League of Women Voters, and one individual. Your Committee received comments on this measure from the Department of Accounting and General Services and Department of Human Resources Development.

Your Committee finds that existing law administratively attaches the Office of Information Practices to the Office of the Lieutenant Governor as a temporary office for a special purpose. This measure recognizes the Office of Information Practices as a permanent office by administratively attaching the Office to the Department of Accounting and General Services, thereby better complying with the constitutional requirement for permanent offices to be housed in one of the principal executive branch departments.

Your Committee notes the written testimony submitted by the Office of Information Practices stating its preference for the Senate companion to this measure, S.B. No. 472, S.D. 2 (Regular Session of 2015). That measure amends section 92F-41, Hawaii Revised Statutes, to clarify the Office's independence as an administratively attached agency rather than insert a new section into chapter 92F, Hawaii Revised Statutes, to provide certain exemptions from certain laws. Furthermore, S.B. No. 472, S.D. 2, does not contain an appropriation to the Department of Accounting and General Services.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the contents of this measure and inserting language from its companion measure, S.B. No. 472, S.D. 2 (Regular Session of 2015), as supported by the Office of Information Practices, that:
 - (A) 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;



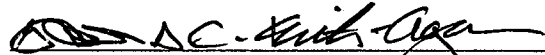
- (B) Clarifies the employment status of attorneys employed by the Office of Information Practices and the civil service exemption for Office of Information Practices personnel; and
 - (C) Amends section 92F-41, Hawaii Revised Statutes, to provide that any quasi-judicial functions of the Office of Information Practices will not be subject to the approval, review, or control of the Comptroller; 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 the Office of Information Practices is required to follow and be subject to all applicable personnel laws and shall make direct communications with the Governor and Legislature;
- (2) Adopting the language suggested by the Office of Information Practices that amends section 92F-42, Hawaii Revised Statutes, to:
- (A) Allow the Office of Information Practices to examine the records of any agency for the purposes of conducting inquiries regarding compliance, investigating possible violations, and taking action to oversee compliance; and
 - (B) Clarify that the Office of Information Practices has standing to appear in cases where chapter 92F and part I of chapter 92, Hawaii Revised Statutes, are called into question;
- (3) Providing that the transfer of the Office of Information Practices from the Office of the Lieutenant Governor to the Department of Accounting and General Services shall take effect on July 1, 2016; and
- (4) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B.



No. 461, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 461, S.D. 1, and be referred to the Committee on Ways and Means.

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



GILBERT S.C. KEITH-AGARAN, Chair



