

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
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To: Senate Committee on Ways and Means

From: Cheryl Kakazu Park, Director

Date: April 2, 2015, 9:00 a.m.  
State Capitol, Conference Room 211

Re: Testimony on H.B. No. 461, S.D. 1  
Relating to the Office of Information Practices

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Thank you for the opportunity to submit testimony in support of this bill, which would transfer, for administrative purposes only, the Office of Information Practices (“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. While OIP agrees that the effective date for most of the bill should be July 1, 2016 to give the agencies time to effectuate the transfer, OIP respectfully requests that the effective date for the technical amendments to its powers and duties in section 5 of the bill take place upon approval.

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 in the S.D. 1 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, the DAGS Director shall not have the power to supervise or control OIP in the exercise of its functions, duties, and powers.

Thank you again for favorably considering this bill.



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SENATE COMMITTEE ON WAYS AND MEANS  
Hearing Scheduled 9:00 am, Thursday, April 2, 2015, Conference Room 211

HB 461, SD 1 RELATING TO THE OFFICE OF INFORMATION PRACTICES

TESTIMONY  
Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Tokuda, Vice-Chair Kouchi, and Committee Members:

**The League of Women Voters of Hawaii supports HB 461, SD 1** 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.

We also strongly support preservation of OIP's autonomy as proposed in HB 461, SD 1. To facilitate a smooth transition, we request one minor housekeeping amendment - - specifically we request that Section 5 of the bill (which amends Section 92F-42, Hawaii Revised Statutes) take effect upon the Act's approval.

Thank you for the opportunity to submit testimony.