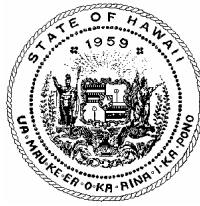


SB2858

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA
DIRECTOR

Martha Torney
Deputy Director
Administration

Joe W. Booker, Jr.
Deputy Director
Corrections

Keith Kamita
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 2858
RELATING TO OPEN GOVERNMENT

by

Jodie F. Maesaka-Hirata, Director
Department of Public Safety

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, February 2, 2012; 9:30 A.M.
State Capitol, Room 016

Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill (SB) 2858, because it provides a uniform process for agencies seeking to challenge an Office of Information Practices opinion under either the Sunshine Law or the statutory provision of the Uniform Information Practices Act. This measure essentially improves transparency in government and will help to enhance public confidence in government.

Thank you for the opportunity to present this testimony.



STATE OF HAWAII
BOARD OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chairperson
Senator Maile S.L. Shimabukuro, Vice Chairperson

Wednesday, February 2, 2012
9:30 a.m.
Hawai'i State Capitol, Room 016

Testimony in SUPPORT of SB 2858, Relating to Open Government

Thank you for the opportunity to submit testimony.

The Board of Education SUPPORTS SB 2858.

The bill creates a process for agencies to appeal Office of Information Practices' decisions where none existed. The Board supports the intent to clarify the law.

Thank you for the opportunity to provide testimony in support of SB 2858.



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

January 31, 2012

**TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR**

For Hearing on Thursday, February 2, 2012
9:30 a.m., Conference Room 016

BY

BARBARA A. KRIEG
INTERIM DIRECTOR

Senate Bill No. 2858
Relating to Open Government

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON CLAYTON HEE AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide testimony on S.B. No. 2858.

The purpose of S.B. No. 2858 is to create a process for an agency to obtain judicial review of Office of Information Practices ("OIP") decisions made under either the Sunshine Law or the Uniform Information Practices Act ("UIPA") and to clarify the standard of review.

The Department of Human Resources Development strongly supports this bill.

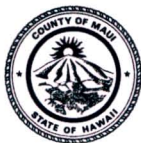
We believe that this bill properly balances the competing interests of ensuring that OIP's decisions are founded on proper legal bases while also discouraging agencies from simply and routinely appealing decisions that they disagree with. As presently constructed, agencies do not have a clear avenue of redress via the courts.

We respectfully request that this Committee move this bill forward.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 1, 2012

TO: Honorable Clayton Yee, Chair
Senate Committee on Judiciary and Labor

FROM: Joseph Pontanilla, Council Vice- Chair *Joseph Pontanilla*

DATE: Thursday February 2, 2012

SUBJECT: **OPPOSITION TO SB 2858, RELATING TO OPEN GOVERNMENT**

Thank you for the opportunity to testify in opposition of this measure. I provide this testimony as an individual member of the Maui County Council.

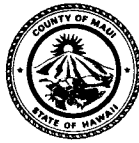
I oppose SB 2858 for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to support this measure.

12:02:01:kbm/JP: SB 2858

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
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Director of Council Services
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January 31, 2012

TO: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

FROM: Danny A. Mateo 
Council Chair

SUBJECT: **HEARING OF FEBRUARY 2, 2012; TESTIMONY IN OPPOSITION TO SB 2858,
RELATING TO OPEN GOVERNMENT**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to grant the State Office of Information Practices (OIP) quasi-judicial authority to enforce the Sunshine Law.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. The OIP is an Oahu-based agency that has little practical experience with and no incentive to consider the demands placed on county councils. It is unwise to give the OIP the effective authority to penalize the county councils for differing interpretations of the vague Sunshine Law.
2. The OIP is not a court. It is not bound by rules of civil procedure, rules of evidence, due process, or any of the other standards designed to ensure fairness and accuracy in an American tribunal. Therefore, the OIP's opinions should not be given the weight provided by this bill.
3. This bill would have the effect of making the Sunshine Law even more burdensome than it already is. By granting the OIP the power to dictate how the Sunshine Law is interpreted and administered, the county councils will need to incur substantial taxpayer funds to satisfy the demands of the agency.

For the foregoing reasons, I oppose this measure.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: gshiromahi@hotmail.com
Subject: Testimony for SB2858 on 2/2/2012 9:30:00 AM
Date: Monday, January 30, 2012 5:46:13 PM

Testimony for JDL 2/2/2012 9:30:00 AM SB2858

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Glenn Shiroma
Organization: Individual
E-mail: gshiromahi@hotmail.com
Submitted on: 1/30/2012

Comments: