STAND. COM. REP. NO. 2146

Honolulu, Hawaii

FOb. 16, 2006

RE: S.B. No. 2365

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Transportation and Government Operations, to which was referred S.B. No. 2365 entitled:

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

begs leave to report as follows:

The purpose of this Act is to authorize the Office of Information Practices (OIP) to file an action in the circuit courts to compel an agency to comply with an OIP decision rendered in accordance with OIP's statutory authority.

Your Committee received testimony in support of this measure from the OIP, the Society of Professional Journalists, and the League of Women Voters of Hawaii.

This measure addresses the situation in which an agency ignores an OIP decision on an appeal to the OIP from a person who has been denied access to a government record by that agency. This measure would allow OIP to enforce its decisions by taking legal action to compel the agency to comply. The OIP lacks this power under current law. Notwithstanding OIP's determination that a government record is public and must be disclosed, an agency can simply ignore an OIP decision. There are no current statutory mechanisms to force an agency to comply with OIP's decision.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2365 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Transportation and Government Operations,

LORRAINE R. INOUYE, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Transportation and Government Operations (Bills and Resolutions)

Measure:* SB 2365	Committee Referral: Date: 2/6/06				
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
INOUYE, Lorraine R. (C)		/			
ESPERO, Will (VC)		V			
BAKER, Rosalyn H.					
HEE, Clayton		and the second of the second o			
KANNO, Brian					
MENOR, Ron					
WHALEN, Paul	1.6. 1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1				
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TOTAL		4			3
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature: Will Syro					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Do <u>not</u> list more than one measure per Record of Votes.