STAND. COM. REP. NO. 2024

Honolulu, Hawaii

FOb. 13

, 2006

RE:

S.B. No. 2366

S.D. 1

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. 2366 entitled:

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

begs leave to report as follows:

The purpose of this measure is give the Office of Information Practices (OIP) the power to enforce its decisions and to expand its duties.

Your Committee received testimony in support of this measure from OIP, The League of Women Voters of Hawaii, and the Society of Professional Journalists. Testimony in opposition was received from the Honolulu Corporation Counsel.

This measure allows any person to file an administrative complaint with OIP if the person alleges a violation of the sunshine law by an agency. This measure also allows the OIP to apply to the circuit court to enforce its decisions made pursuant to an administrative complaint.

This measure makes amendments to chapter 92, Hawaii Revised Statutes, relating to open meetings and records, to make OIP's powers and duties under chapter 92 consistent with its powers and duties under chapter 92F, relating to information practices. This measure further broadens the scope of OIP's functions by requiring OIP, among other things, to provide advisory opinions when requested by a board and to investigate administrative

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complaints. Enforcement of chapter 92 is presently the responsibility of the State Attorney General and county prosecuting attorneys, who are authorized to commence an civil action. This measure complements the enforcement role of the Attorney General and the prosecuting attorney to prosecution of criminal violations of the sunshine law and gives OIP the power to enforce its decisions by commencing a civil action.

Your Committee believes that OIP should be given a full range of enforcement and investigative powers to effectively perform its designated statutory functions. The rendering of advisory opinions is a function of public education which benefits the government agency and the public in the proper administration of the sunshine law.

Your Committee has amended this measure by making technical, nonsubstantive amendments for clarity and style.

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. 2366, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2366, S.D. 1, 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,

LORRANNE R. INQUYE, Chair

## The Senate Twenty-Third Legislature State of Hawaii

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

Measure:*	Committee Referral:		Date:		
SB 2366	TGONHW		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	А	yes Aye	s(WR)	Nays	Excused
INOUYE, Lorraine R. (C)					
ESPERO, Will (VC)				e egitar (e. b.).	
BAKER, Rosalyn H.					
HEE, Clayton			2.5		
KANNO, Brian					/
MENOR, Ron	! !			t at the	
WHALEN, Paul		/			
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TOTAL	.4	4			3
Recommendation:  Adopted Not Adopted					
Chair's or Designee's Signature:  Will Topio					
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy					

<sup>\*</sup>Do <u>not</u> list more than one measure per Record of Votes.