

STAND. COM. REP. NO.

3335

Honolulu, Hawaii

MAR 23 2022

RE: H.B. No. 2037
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 2037, H.D. 2, 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 require the Office of Information Practices to:

- (1) Rule or provide written guidance on an agency denial of access to, or granting of access to, information or records; and
- (2) Receive and resolve complaints under Hawaii's open meetings law either by determining whether a violation occurred or providing guidance.

Your Committee received testimony in support of this measure from the Office of Information Practices, League of Women Voters of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from the Civil Beat Law Center for the Public Interest and Society of Professional Journalists Hawaii Chapter.



Your Committee finds that appeals regarding record requests to the Office of Information Practices are numerous and resource intensive. Your Committee further finds that under certain circumstances informal written guidance may be more appropriate and efficient than providing a full legal ruling or opinion as required under existing law. Accordingly, this measure will promote flexibility and efficiency in the Office of Information Practices' processing of appeals by allowing it to resolve certain appeals by informal means.

Your Committee has amended this measure by:

- (1) Removing the definition of "guidance" from section 2 and inserting it more appropriately into section 1;
- (2) Clarifying procedures for when the Office of Information Practices issues certain written guidance;
- (3) Making it effective on January 1, 2023, to provide time for implementation;
- (4) Removing its repeal date; and
- (5) 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2037, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2037, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

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



SHARON MORIWAKI, Chair



