

STAND. COM. REP. NO. 495

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1253
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 1253 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 allow the Office of Information Practices to resolve open meeting and open record complaints through either a legal determination on whether a violation occurred or written guidance on the relevant legal requirements.

Your Committee received testimony in support of this measure from the Office of Information Practices and two individuals. Your Committee received testimony in opposition to this measure from the Society of Professional Journalists Hawaii Chapter, Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, and two individuals. Your Committee received comments on this measure from the Commission to Promote Uniform Legislation.

Your Committee finds that the existing law does not give the Office of Information Practices the flexibility to determine when informal written guidance would be suitable to resolve an appeal versus a formal written opinion.



Your Committee has heard the testimony of the League of Women Voters of Hawaii and Civil Beat Law Center for the Public Interest in opposition to this measure. Your Committee notes that H.B. No. 2037, S.D. 1, Regular Session of 2022, which was previously passed by the House, is a substantially similar measure that requires the Office of Information Practices to provide a ruling or guidance in writing on open records responses and open meetings complaints. Both parties have indicated that they support the language as drafted in H.B. No. 2037, S.D. 1. Your Committee concludes that the language in H.B. No. 2037, S.D. 1, is preferable because it contains clarifying amendments.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. No. 2037, S.D. 1, a substantially similar measure, which:
 - (A) Defines "guidance", "opinion", and "ruling"; and
 - (B) Requires the Director of the Office of Information Practices to provide either a ruling or guidance in writing on open records responses and open meeting complaints; and
- (2) Inserting an effective date of July 1, 2112, to encourage further discussion.

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 S.B. No. 1253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1253, S.D. 1, and be referred to your Committee on Judiciary.

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

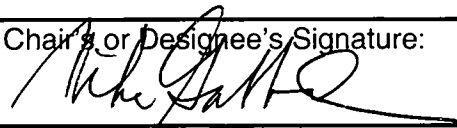


ANGUS L.K. MCKELVEY, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1253	GVO, JDC	2-14-23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
SAN BUENAVENTURA, Joy A.	✓			
WAKAI, Glenn	✓			
AWA, Brenton			✓	
TOTAL	4	—	1	—
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes