

Honolulu, Hawaii

Feb. 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.

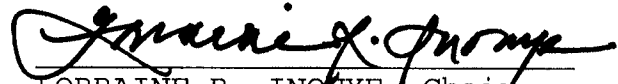
This measure addresses the situation in which an agency
ignores an OIP decision on an appeal to the OIP from a person who
has been denied access to a government record by that agency.
This measure would allow OIP to enforce its decisions by taking
legal action to compel the agency to comply. The OIP 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. INOUE, Chair



