

STAND. COM. REP. NO.

2024

Honolulu, Hawaii

Feb. 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

2006-1181 SSCR SMA.doc



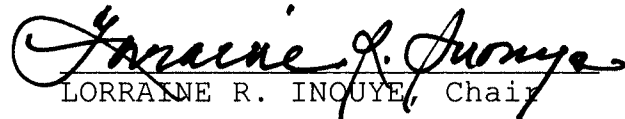
complaints. Enforcement of chapter 92 is presently the responsibility of the State Attorney General and county prosecuting attorneys, who are authorized to commence a civil action. This measure complements the enforcement role of the Attorney General and the prosecuting attorney to prosecution of criminal 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,

  
LORRAINE R. INOUE, Chair



