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COUNTY COUNCIL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

March 24, 2008

TO: Honorable Brain T. Taniguchi, Chair
Senate Committee on Judiciary and Labor

FROM: G. Riki Hokama
Council Chair *G. Riki Hokama*

SUBJECT: **HEARING OF MARCH 25, 2008; TESTIMONY IN SUPPORT OF HB 2217, HD1,
SD1, RELATING TO THE OFFICE OF INFORMATION PRACTICES**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to require the Office of Information Practices (OIP) to provide a written opinion when such a request is made from a county legislative body, or a member of a county legislative body, for an advisory opinion concerning meetings or that body's functions and responsibilities.

This measure is in the Maui County's Legislative Package; therefore, I offer this testimony on behalf of the Maui County Council.

The County Council supports this measure, however, it also strongly urges that a deadline for a written opinion from OIP be reinserted for the following reasons:

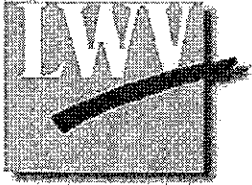
1. As amended, this measure deletes the mandated timeframe in which the OIP would be required to submit a written advisory opinion. Without such a deadline, the OIP can take months, or longer, to provide a written opinion.
2. In 2006, the OIP issued only 7 written advisory opinions, averaging approximately one written opinion every two months. In 2007, the OIP issued only 11 written opinions, less than one per month. From September 2007 until March 14, 2008, the OIP did not issue any written opinions. The March 14, 2008 opinion, OIP Op. Ltr. No. 08-01, is in response to a request by the Maui County Council made in February 2007, more than a year earlier.
3. The delay of a written advisory opinion ties the hands of government bodies and officials subject to the Sunshine Law and/or the Uniform Information Practices Act (UIPA), as they try to understand and comply with a verbal opinion, stalling the efficient functioning of government.
4. When a government body is unsure of how to comply with either the Sunshine Law or UIPA, the agency needs the OIP's guidance as quickly as possible so that it can efficiently perform its functions and duties for the benefit of the people the body serves.
5. Requiring the OIP to submit a written opinion when requested by a county legislative body is an important step in the right direction to assist county legislators to carry out their duties in an effective manner. However, a deadline for OIP's response to a request

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absolutely necessary to avoid any confusion or misunderstanding on how county legislators can comply with the OIP's advice. County legislators serve the people of the county. It is the residents of the county who suffer when their council members are unable to carry out their duties because of a lack of understanding on how to proceed with county business in compliance with the law.

For the foregoing reasons, the Maui County Council supports this measure with the suggested amendment.

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THE LEAGUE OF WOMEN VOTERS OF HAWAII

WRITTEN TESTIMONY ON H.B. 2217, HD1, SD1 RELATING TO THE OFFICE OF INFORMATION PRACTICES

Senate Committee on Judiciary and Labor
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
Tuesday, March 25, 2008 9:45 a.m.
Conference Room 016

Chair Taniguchi, Vice Chair Hee, members of the Committee on Judiciary and Labor,

The League of Women Voters opposes HB 2217, H.D.1 which would require the Office of Information Practices to respond within 90 days to requests from county councils and their members for written opinions regarding meetings and the county councils' functions and responsibilities.

The funding for the Office of Information Practices has been very uneven from its hey day in 1994 to near extinction in the latter part of the 90's to its slight increase in the last couple of years but nowhere near what it needs to be. In addition, this agency was given the new responsibility of administering the open meetings law, part 1 of Chapter 92 in 1998 increasing the demand for review and action. Therefore, it is not surprising that the lag time for written opinions has become longer.

HB 2217 H.D.1 would require the OIP to give requests from county legislative bodies preference over other government agencies, businesses and members of the general public. At present, the OIP, according to the OIP director's testimony, does make executive decisions to prioritize requests where opinion requests raise significant issues warranting OIP's immediate review.

The OIP should have the flexibility to respond quickly to certain significant issues, but this is not the same as giving a certain group the permanent right to priority to written opinions of the OIP when an oral opinion has already been rendered. When they're in doubt, those legislative bodies could err on the side of more openness and access to information.

We urge you to hold this bill in committee.

Thank you for the opportunity to share our opinion on HB 2217, H.D.1, S.D.1.

Jean Y. Aoki, Legislative Committee
League of Women Voters of Hawaii



The Senate
The Twenty-Fourth Legislature
Regular Session of 2008

Committee on Judiciary and Labor
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

Tuesday, March 25, 2008, 9:45 a.m., Conference Room 016

RE: HB 2217, HD1, SD1 – Relating to the Office of Information Practices

Dear Chair Taniguchi and members of the Committee,

The Screen Actors Guild (SAG) Hawaii represents over 600 members who work in the film and television industry in the State of Hawaii.

We are submitting testimony in **opposition** of HB 2217, HD1, SD1. We **oppose** this bill as it does not provide adequate staffing or funding to carry out this mandate.

Thank you for the opportunity to provide testimony.


Glenn Cannon, President

Brenda Ching, Executive Director

SCREEN ACTORS GUILD

949 KAPIOLANI BLVD., SUITE 105, HONOLULU, HI 96814 ★ Tel. 808.596.0388 ★ Fax 800.305.8146

www.sag.org

Branch of Associated Actors and Artistes of America / AFL-CIO •  Affiliate of International Federation of Actors



P.O. Box 3141
Honolulu, HI 96802
March 25, 2008

Senate Judiciary Committee
State Capitol
Honolulu, HI 96813

Re: HB 2217, SD 1

Committee members:

We oppose this bill.

It started out as a measure to force the Office of Information Practices to issue written opinions about open records or meetings for county councils within 60 days.

While this unfair time limit is no longer in the bill, the measure still singles out county councils over any other agency or person to receive written opinions.

First, the office has many meetings and records issues to deal with, and it should issue written opinions on the issues that it thinks are the most important, not just because it came from a county council.

Second, the office is severely understaffed, and this measure would add to its workload.

Third, county councils should be able to operate with verbal opinions from OIP just like anyone else.

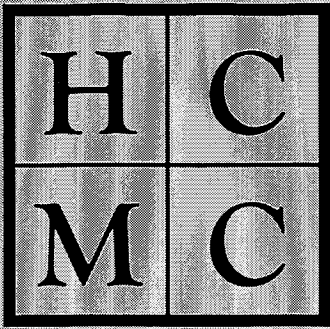
We would like to point out that even when OIP issued a major written opinion, one council chose to ignore it.

Sincerely,

Stirling Morita
Freedom of Information Committee Chairman
Hawaii Chapter SPJ

LATE

Honolulu Community Media Council



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Since 1970

March 24, 2008

To: The Honorable Brian Taniguchi, Chair, and Members of the Senate Committee on Judiciary and Labor

Fr: Chris Conybeare, President HCMC

Re: HB2217HD1
Hearing Date: March 25, 2008

The Honolulu Community-Media Council is opposed to HB2217-HD1, that would require the Office of Information Practices (OIP) to provide a written opinion within 90 days of a request from a member of a county legislative body regarding meetings of that body's functions and responsibilities.

Our opposition stems from the reality that OIP is not sufficiently staffed nor funded to allow for the imposition of this deadline. We would welcome an initiative that provides for: adequate funding, a 90 Day provision and would provide for mandatory compliance.

To require a 90 day deadline without adequate funding would make a mockery of the public's interest in government transparency. We therefore oppose this legislation. Thank you.