
HOUSE CONCURRENT RESOLUTION

REQUESTING THAT THE OFFICE OF INFORMATION PRACTICES CONDUCT AN
ALTERNATIVE APPEAL RESOLUTION PILOT PROJECT.

1 WHEREAS, the Office of Information Practices is able to
2 informally resolve most public questions, complaints, and
3 appeals under the Uniform Information Practices Act and Sunshine
4 Law without issuing a formal enforceable ruling; and
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6 WHEREAS, some public appeals cannot be resolved without a
7 formal enforceable ruling by the Office of Information
8 Practices, which normally prepares enforceable rulings on a
9 first-come, first-served basis; and
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11 WHEREAS, preparation of formal enforceable rulings by the
12 Office of Information Practices is time-consuming and expensive;
13 and
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15 WHEREAS, the Office of Information Practices estimates that
16 it will need three new positions and \$345,000 per year for at
17 least two years to address its backlog of pending appeals that
18 cannot be resolved without a formal enforceable ruling; and
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20 WHEREAS, unless additional resources are provided to the
21 Office of Information Practices, or unless the Office of
22 Information Practices experiments with finding an effective way
23 to modify its procedures, the Office of Information Practices
24 will be unable to quickly resolve incoming public appeals that
25 require a formal enforceable ruling; and
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27 WHEREAS, despite the outcome, experiments generally provide
28 useful information; now, therefore
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30 BE IT RESOLVED by the House of Representatives of the
31 Thirtieth Legislature of the State of Hawaii, Regular Session of



H.C.R. NO. 111

1 2019, the Senate concurring, that the Office of Information
 2 Practices is requested to conduct an alternative resolution
 3 pilot project with a randomly selected sample of incoming public
 4 appeals under the Uniform Information Practices Act and the
 5 Sunshine Law; and

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 7 BE IT FURTHER RESOLVED that for each appeal in the selected
 8 sample, but not for other appeals, the Office of Information
 9 Practices is requested to prepare a short, informal,
 10 unenforceable guidance within two weeks of receiving the final
 11 response of the agency and other parties involved; and

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 13 BE IT FURTHER RESOLVED that for each appeal in the sample,
 14 the Office of Information Practices is also requested to assure
 15 that a formal enforceable ruling will be issued at a future time
 16 to be determined by its usual procedures if the informal
 17 guidance does not resolve the appeal; and

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 19 BE IT FURTHER RESOLVED that the Office of Information
 20 Practices is requested to submit a report of its findings and
 21 recommendations, including any proposed legislation and a
 22 comparison of the outcomes and staff time requirements for the
 23 sample appeals with the outcomes and staff time requirements for
 24 the other appeals, to the Legislature no later than 20 days
 25 before the convening of the Regular Session of 2020; and

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 27 BE IT FURTHER RESOLVED that if the alternative resolution
 28 pilot project improves the outcomes and staff time requirements
 29 for certain types or all types of incoming public appeals, the
 30 Office of Information Practices is requested to appropriately
 31 adopt the process as a standard practice; and

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 33 BE IT FURTHER RESOLVED that certified copies of this
 34 Concurrent Resolution be transmitted to the Governor and
 35 Director of the Office of Information Practices.

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OFFERED BY: Walter A. Bullock

MAR 08 2019

