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# HOUSE 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  
32 2019, that the Office of Information Practices is requested to  
33 conduct an alternative resolution pilot project with a randomly



1 selected sample of incoming public appeals under the Uniform  
2 Information Practices Act and the Sunshine Law; and

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

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

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

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

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30 BE IT FURTHER RESOLVED that certified copies of this  
31 Resolution be transmitted to the Governor and Director of the  
32 Office of Information Practices.

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OFFERED BY:           Duke A. Veseloff          

MAR 08 2019

