

Honolulu, Hawaii

FEB 13 2019

RE: S.B. No. 1057
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 1057 entitled:

"A BILL FOR AN ACT RELATING TO OPEN GOVERNMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Office of Information Practices to resolve all public complaints regarding access to public records or open meetings within six months of the date the complaint was received.

Your Committee received testimony in support of this measure from The Civil Beat Law Center for the Public Interest, Society of Professional Journalists Hawaii Chapter, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Office of Information Practices.

Your Committee finds that the Office of Information Practices was created to provide the public with a forum for the speedy resolution of disputes regarding access to public records, with an expeditious, informal, and free review process. However, the Office has not been resolving complaints in an expeditious manner. Your Committee notes that many states with an agency similar to the Office of Information Practices impose a six-month deadline on the agency to resolve public disputes.



Your Committee also finds that timely access to public records is critical and unnecessary delays in accessing government information increase public mistrust of, and disillusionment with, its representative government. This measure is intended to ensure that the Office of Information Practices responds to public complaints in a timely manner that best serves the public and provides transparency in government operations.

Your Committee has heard testimony from the Office of Information Practices, expressing concerns that the Office will not be able to meet the statutory deadline proposed by this measure without additional long-term, dedicated funding and training time for additional personnel. Your Committee notes, however, that the Office acknowledged that other jurisdictions issue decisions in a shorter timeframe and utilize shorter memoranda. Passage of this measure can serve as a policy call by the Legislature to prioritize the pace of decisions, which guidance can promote the restructuring of work flow and efficiencies within the Office.

Your Committee does acknowledge that the deadline proposed by this measure will be more manageable for the Office if the Office is allocated additional resources for salary parity, allowing the Office to more easily retain experienced staff. Your Committee on Ways and Means may wish to consider the Office's request for additional funding.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1057, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1057, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,

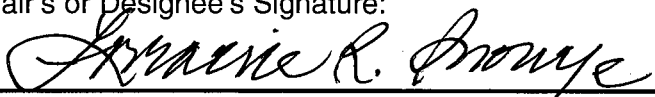


LAURA H. THIELEN, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* <i>SB 1057</i>	Committee Referral: <i>GVO, JDC</i>	Date: <i>11/31/2019</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
BAKER, Rosalyn H.				✓
KANUHA, Dru Mamo	✓			
FEVELLA, Kurt	✓			
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes