

Honolulu, Hawaii

, 2022

**FEB 18**

RE: H.B. No. 2037

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred  
H.B. No. 2037 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 to require the Office of  
Information Practices to resolve open meeting and open record  
complaints through either a legal determination on whether a  
violation occurred or guidance on the relevant legal requirements.

Your Committee received testimony in support of this measure  
from one individual. Your Committee received testimony in  
opposition to this measure from the Civil Beat Law Center for the  
Public Interest and League of Women Voters of Hawaii. Your  
Committee received comments on this measure from the Office of  
Information Practices and Common Cause Hawaii.

Your Committee finds that providing the Office of Information  
Practices with the statutory discretion to decide whether to  
provide an opinion or informal guidance to resolve open meeting  
and open record complaints will allow the Office to give informal  
guidance on cases and appeals where it would be more suitable,  
less-time consuming, and more efficient in reaching the same  
result that a legal determination would give. This measure will



give the Office of Information Practices the additional flexibility to handle its growing caseload and improve its efficiency within the constraints of its resources.


Your Committee has amended this measure by:

- (1) Clarifying that the Office of Information Practices is required to resolve open meeting and open record complaints through either a legal determination or written guidance; and
- (2) Changing its effective date to July 1, 2112, to encourage further discussion.

Your Committee is concerned that only allowing open meeting and open record complaints to be resolved through written guidance of the Office of Information Practices will cut off a party from pursuing a resolution to a complaint through a legal determination of the Office. Your Committee requests your Committee on Judiciary & Hawaiian Affairs, should it choose to deliberate on this measure further, consider if there should be an avenue for legal determination to resolve the complaints.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2037, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2037, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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

  
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ANGUS L.K. MCKELVEY, Chair



