

STAND. COM. REP. NO. 953-22

Honolulu, Hawaii

MAR 04 , 2022

RE: H.B. No. 2037  
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2037, H.D. 1, 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 Director of the Office of Information Practices to:

- (1) Rule or provide written guidance on an agency denial of access to, or granting of access to, information or records; and
- (2) Receive and resolve complaints under Hawaii's open meetings law either by determining whether a violation occurred or providing guidance.

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

2022-2048 HB2037 HD2 HSCR HMSO



Your Committee finds that in many appeals to the Office of Information Practices, informal written guidance may be more suitable, less time-consuming, and more efficient than providing a full legal ruling or opinion as required under existing law. This measure will provide the Office of Information Practices with the flexibility to handle its overwhelming caseload and improve its efficiency within the constraints of its limited resources.

Your Committee has amended this measure by:

- (1) Clarifying the required actions of the Director of the Office of Information Practices to include:
  - (A) Providing either a ruling or guidance in writing on an agency denial of access to, or granting of access to, information or records; and
  - (B) Receiving and resolving complaints under Hawaii's open meetings law either by providing a ruling or guidance in writing on whether a violation occurred;
- (2) Defining the terms "guidance", "opinion", and "ruling" with regard to the Office of Information Practices;
- (3) Inserting a sunset date of June 30, 2027; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2037, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2037, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



---

MARK M. NAKASHIMA, Chair



