

STAND. COM. REP. NO. 1644-22

Honolulu, Hawaii

MAR 31 , 2022

RE: H.C.R. No. 146

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.C.R. No. 146 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF
INFORMATION PRACTICES TO CONVENE A WORKING GROUP TO DEVELOP A
RECOMMENDATION FOR A STATUTORY STANDARD FOR THE TREATMENT OF
DELIBERATIVE AND PREDECISIONAL AGENCY RECORDS,"

begs leave to report as follows:

The purpose of this measure is to request the Office of
Information Practices to convene a working group to develop a
recommendation for a new exception to the Uniform Information
Practices Act (Modified) for agency records that are deliberative
and pre-decisional.

Your Committee received testimony in support of this measure
from the Department of Taxation, Department of Land and Natural
Resources, Department of Agriculture, University of Hawai'i System,
Office of Information Practices, Common Cause Hawaii, and Hawaii
Chapter of the Society of Professional Journalists. Your
Committee received comments on this measure from the League of
Women Voters of Hawaii, Civil Beat Law Center for the Public
Interest, and Grassroot Institute of Hawaii.

Your Committee finds that, in order for agencies to reach
sound decisions on the various questions that come before them,
agencies in some instances need their employees and officers to

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fully and frankly discuss proposed policies or tentative decisions at an internal level, outside the glare of publicity, and with the freedom to express views or editorial changes that may not be incorporated into the final decision. Your Committee further finds that interested stakeholders should be given the opportunity to consider whether there is consensus on the appropriate balance between transparency and deliberative process for effective agency decision-making in Hawaii.

This measure provides this opportunity by requesting the Office of Information Practices to convene a working group to make a recommendation that exempts deliberative and pre-decisional agency records from the Uniform Information Practices Act (Modified) that reasonably balances the public's interest in disclosure against the potential harm to an agency's ability to fully consider and make sound and informed decisions.

Your Committee notes that the League of Women Voters of Hawaii, Common Cause Hawaii, and Civil Beat Law Center for the Public Interest stated in their testimony before your Committee that they are interested and would appreciate the opportunity to participate in the working group.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 146 and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs.

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



ANGUS L.K. MCKELVEY, Chair



