

STAND. COM. REP. NO.

2653

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2336
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 2336 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES,"

begs leave to report as follows:

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

Your Committee finds that the purpose of the Office of Information Practices is to ensure open government practices while protecting individual privacy rights. Your Committee further finds that existing law requires the Office of Information Practices to issue a full written opinion in response to certain inquiries and complaints, and does not provide the Office of Information Practices with the discretion to issue informal



opinions where appropriate. This causes delays in the processing of appeals and exacerbates an existing backlog of appeals.

Accordingly, your Committee finds that this measure will promote more expedient decision-making from the Office of Information Practices by codifying a discretionary, informal guidance process to resolve certain inquiries and complaints, thereby providing the Office of Information Practices with the flexibility needed, given its limited resources, to prioritize appeals that warrant formal opinions and expedite addressing complaints through written guidance.

Your Committee has amended this measure by:

- (1) Requiring opinions or rulings and guidance issued by the Office of Information Practices, or summaries thereof, to be posted publicly online within a reasonable amount of time from issuance;
- (2) Defining the terms "guidance" and "ruling" to clarify that both decisions are written documents available for public review;
- (3) Clarifying that the Director of the Office of Information Practices has the discretion to determine whether to issue guidance or a ruling in the form of a formal opinion; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 2336, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2336, S.D. 1, and be referred to your Committee on Judiciary.



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



SHARON MORIWAKI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2336	GVO, JDC	02/15/22

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHANG, Stanley	/			
GABBARD, Mike	/			
FEVELLA, Kurt	/			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes