

STAND. COM. REP. NO.

2249

Honolulu, Hawaii

FEB 13 2018

RE: S.B. No. 3092

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 3092 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 about noncompliance with chapter 92F and part I of chapter 92, Hawaii Revised Statutes, within six months from the date the Office of Information Practices receives the complaint.

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

Your Committee finds that ensuring that the public is afforded appropriate opportunity to access public records is vital to maintaining a strong relationship between government and the public. Part of ensuring the public's opportunity to access public records is resolving disputes relating to those records. The Office of Information Practices was created to provide the public a forum for speedy resolution of disputes about access to public records. Moreover, the Legislature exempted the Office of Information Practices from contested case requirements to ensure



that the review would be "expeditious, informal, and at no cost to the public". However, your Committee finds that the average time for the Office of Information Practices to resolve public complaints has been well over a year with numerous complaints pending for two years or more. The delays have, in some cases, discouraged members of the public from bringing disputes. Your Committee further finds that while there are no existing mandatory time periods for the resolution of disputes under law, other jurisdictions have implemented effective time frames for the resolution of public records disputes. Your Committee finds that timely access to public records is critical and that unnecessary delays in accessing government information increase public mistrust of, and disillusionment with government.

In addition, while your Committee acknowledges the Office of Information Practices concerns about the need for additional resources to comply with this measure, your Committee finds that this issue of such significance that the need for resources alone should not derail this measure. Accordingly, your Committee finds that establishing a six month deadline for the resolution of public records complaints will ensure that the Office of Information Practices responds to public complaints in a timely manner that serves the public and provides transparency in government operations.

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. 3092 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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



DONNA MERCADO KIM, Chair



