

STAND. COM. REP. NO.

2507

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2937
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2937 entitled:

"A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to establish a process by which a state agency may request the Office of Information Practices to declare a person a vexatious requester, when that person has established a pattern of conduct that amounts to an abuse of a process of the information practices law, chapter 92F, Hawaii Revised Statutes.

Testimony in support of the measure was submitted by two state agencies and one private organization. Testimony in opposition to the measure was submitted by one private individual. Comments were submitted by the Ombudsman. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that the Uniform Information Practices Act (UIPA) currently contains no provision allowing an agency to not respond to a record request, even when there is a legitimate justification for not responding. Your Committee believes that most record requests are made in good faith, even if the requests are repeated in an attempt to obtain a response from the agency in a timely manner. However, very occasionally, extreme situations arise when requests are made by a small number of requesters with the intent to harass an agency or by making the same request over



and over again, even if a response has already been obtained. Your Committee understands that the intent of this measure is to address only the latter group of requesters, whose abuse of the UIPA procedures is extreme, rather than the former group, whose requests are made in good faith.

Your Committee has amended this measure by:

- (1) Deleting the provisions regarding review of the vexatious requester determination or restrictions by the Ombudsman, since the review authority would give the Ombudsman enforcement power over the Office of Information Practices that is inconsistent with the Ombudsman's role, as suggested by the Ombudsman;
- (2) Inserting an effective date of July 1, 2050, to ensure further discussion of this measure; and
- (3) Making technical, nonsubstantive changes for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2937, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2937, S.D. 1, and be placed on the calendar for Third Reading.

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

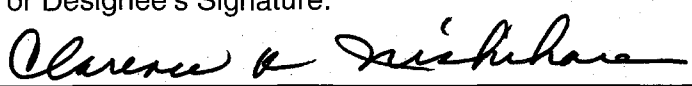


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2937	JGO	2/23/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	3	-	1	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes