

CONFERENCE COMMITTEE REPORT NO. 121

Honolulu, Hawaii

MAY 01, 1998

RE: S.B. No. 2983
S.D. 2
H.D. 2
C.D. 1

Honorable Norman Mizuguchi
President of the Senate
Nineteenth State Legislature
Regular Session of 1998
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Nineteenth State Legislature
Regular Session of 1998
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2983, S.D. 2, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to bring together the administration of the open meetings law and the open records law under the Office of Information Practices (OIP) by placing responsibility for administration of the open meetings law in the OIP and moving the OIP from the Department of the Attorney General to the Office of the Lieutenant Governor (OLG).

After agreeing in conference to accept House Draft No. 2, your Committee on Conference discovered that administratively attaching the OIP to the OLG may violate section 6 of article V of the State Constitution. Section 6 of article V, requires that

state executive branch agencies be placed within the principal departments of the executive branch of state government unless they are commissions or agencies that are both temporary and for a special purpose.

Your Committee on Conference notes that the Department of the Attorney General, in Opinion No. 96-1, reasoned that the office of the Lieutenant Governor is a constitutional office that is established by section 2 of article V of the State Constitution and is not a principal department of the state executive branch.

Therefore, your Committee on Conference amended the bill by:

- (1) Deleting the new section that gives oversight to the Lieutenant Governor;
- (2) Amending section 26-1(d), Hawaii Revised Statutes (HRS), relating to the OLG's functions and duties to include administrative responsibility for the OIP;
- (3) Amending section 92F-41, HRS, to establish the OIP as a temporary office for a special purpose within the OLG for administrative purposes;
- (4) Transferring all rights, powers, functions, and duties of the Department of the Attorney General, relating to the OIP to the OLG;
- (5) Amending the effective date from upon approval to July 1, 1998, allowing the OIP's appropriation to transfer efficiently;
- (6) Amending the purpose section to reflect the changes; and
- (7) Making technical, nonsubstantive changes.

Your Committee on Conference is in accord with the intent and purpose of S.B. No. 2983, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2983, S.D. 2, H.D. 2, C.D. 1.

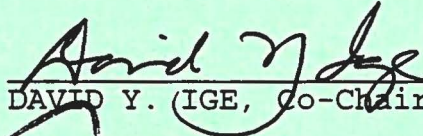
Respectfully submitted,

MANAGERS ON THE PART OF THE
HOUSE

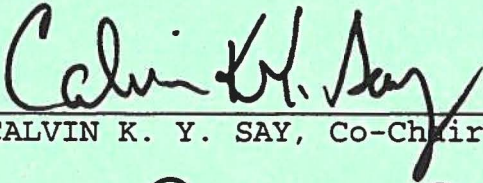
MANAGERS ON THE PART OF THE
SENATE



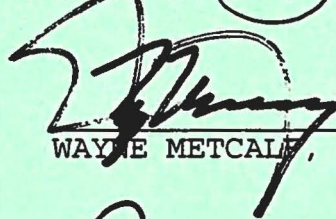
TERRANCE W. H. TOM, Co-Chair



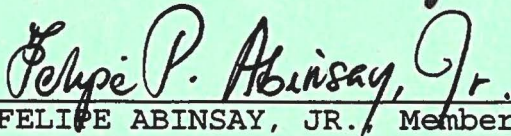
DAVID Y. IGE, Co-Chair



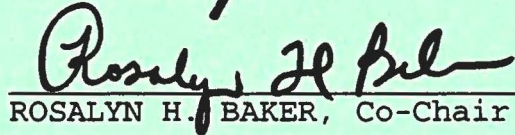
CALVIN K. Y. SAY, Co-Chair



WAYNE METCALF, Co-Chair



FELIPE ABINSAY, JR., Member



ROSALYN H. BAKER, Co-Chair



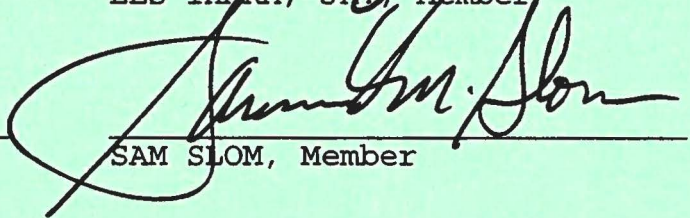
MERWYN S. JONES, Member



LES IHARA, JR., Member



BARBARA MARUMOTO, Member



SAM SLOM, Member

