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STAND. COM. REP. NO. 2204

Honolulu, Hawaii

FEB 20 , 1998

RE: S.B. No. 2983
S.D. 1

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

Sir:

Your Committee on Commerce, Consumer Protection, and Information Technology, to which was referred S.B. No. 2983 entitled:

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

begs leave to report as follows:

The purposes of this bill are to:

- (1) Transfer the Office of Information Practices (OIP) from the Department of the Attorney General to the legislative branch of government; and
- (2) Establish the OIP as the office responsible for overseeing compliance of the open meetings law.

Your Committee received testimony in support of this measure from the the Office of Hawaiian Affairs, Hawaii Clean Elections, Common Cause Hawaii, The League of Women Voters of Hawaii, The Society of Professional Journalists, Open Government Coalition of Hawaii, and three interested citizens. The Department of the Attorney General presented testimony expressing its concerns and suggestions of amendment of this measure.

Your Committee finds that currently, the possibility of a conflict of interest may exist when the Department of the Attorney General is called upon to enforce the open meetings law and to defend a state agency.

Your Committee further finds that the OIP is responsible for maintaining open access to public information as mandated by the federal Uniform Information Practices Act (Modified).

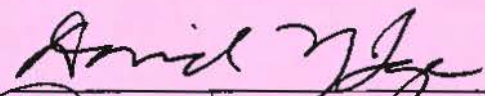
Your Committee notes that the OIP has received accolades from the public for its work in assisting in getting requested files and records released. Moreover, the OIP has been praised as being a model approach to public access to information by national freedom of information advocates.

Your Committee amended this bill by:

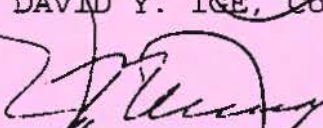
- (1) Replacing the word "agency" with the word "board" in the section of the bill that gives the OIP power to oversee compliance with chapter 92, Hawaii Revised Statutes;
- (2) Deleting the governor as a recipient of the OIP's annual report; and
- (3) Making technical, nonsubstantive changes for clarity and style.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Information Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2983, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2983, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Commerce,
Consumer Protection, and
Information Technology,



DAVID Y. IGE, Co-Chair



WAYNE METCALF, Co-Chair

The Senate
Nineteenth Legislature
State of Hawaii

Record of Votes
of the
Committee on Commerce, Consumer Protection, and Information Technology

Measure: SB 2983	Committee Referral: CPI, WAM	Date: 02-13-98
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The committee is reconsidering its previous decision on this measure.

The Recommendation is to:

<input checked="" type="checkbox"/> Pass, unamended	<input checked="" type="checkbox"/> Pass, with amendments
<input type="checkbox"/> Hold	<input type="checkbox"/> Recommit
<input type="checkbox"/> Advise and Consent	<input type="checkbox"/> Not Advise and Consent
<input type="checkbox"/> Advise and Consent with Exception	

Code	Members	Ayes	Ayes(WR)	Nays	Excused
108	IGE, David (C)	X			
125	METCALF, Wayne (C)	X			
105	CHUN OAKLAND, Suzanne	X			
112	KANNO, Brian				X
114	LEVIN, Andrew				X
123	TANAKA, Joe	X			
121	SOLOMON, Malama				X
120	SLOM, Sam	X			
TOTAL		5	0	0	3

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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