

STAND. COM. REP. NO.

2685

Honolulu, Hawaii

, 1998

MAR 06

RE: S.B. No. 2983
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2983, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to transfer the Office of Information Practices (OIP) from the Department of the Attorney General to the Legislature for administrative purposes.

Your Committee received written testimony in support of this bill from the Office of Hawaiian Affairs, Common Cause Hawaii, League of Women Voters, and a private individual. Informational testimony was provided by the State Attorney General.

Your Committee believes that the OIP serves a vital function in opening government records to the public. Your Committee is concerned that the Legislature may not be the appropriate branch to administer the OIP. Unlike other state agencies, the OIP is peculiar in its quasi-judicial function of deciding which records are to be disclosed. As such, your Committee believes that the OIP should be placed within the Judiciary.

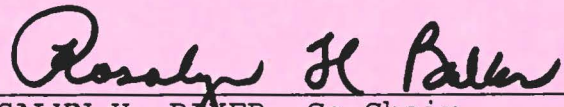
Your Committee has amended this bill by:

- (1) Moving the OIP from the Legislature to the Judiciary for administrative purposes only;

- (2) Providing that the director of the OIP shall be appointed by the supreme court and serve at the pleasure of the supreme court; and
- (3) Adding that rules adopted by the OIP shall be in accordance with rulemaking procedures of the Judiciary.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2983, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2983, S.D. 2.

Respectfully submitted on behalf
of the members of the Committee
on Ways and Means,



ROSALYN H. BAKER, Co-Chair



CAROL FUKUNAGA, Co-Chair