

March 2024 Update on OIP Draft Administrative Rules

Since completing its transfer for administrative purposes to the Department of Accounting and General Services (DAGS) in 2017, OIP sought to renumber its administrative rules to fall within DAGS's numbering system. For the most part, OIP will simply renumber its rules for appeals that are made to OIP, which were adopted on December 31, 2012. More substantive changes, however, were also proposed for OIP's rules to process UIPA record requests, which were adopted in 1998 and include limits on fees and costs that may be charged by agencies to respond to UIPA record requests.

In 2017, OIP presented to the public its draft amended rules to process UIPA record requests and explanatory materials on its website, at statewide in-person informational briefings, and through 'Olelo television broadcasts. Although it was not required to do this, OIP undertook these extensive efforts to obtain the public's input before it finalized its proposal and proceeded with the formal rulemaking process. In response to the early public input, OIP revised its draft in 2019 and since then has been awaiting legal review by the Attorney General's (AG) office for approval to continue with formal rulemaking, at which time another public hearing will be held. OIP understands that the AG's review has been delayed by COVID and other work.

In the meantime, in 2022 the Legislature passed out a bill, [SB 3252, SD 2, HD 2, CD 1](#), that would have required significant additional amendments to OIP's rules because it imposed new statutory limits on fees and costs for record requests and changed the standards for the public interest fee waiver, effectively allowing this waiver to benefit **non-profit** media companies, but not **for-profit** media companies who necessarily act "primarily in the commercial interest." After passing the Legislature, that bill was vetoed by Governor David Ige. Two similar bills were introduced in 2023, including [HB 719](#), which made it into conference but did not pass. Two bills were again introduced in 2024 as [HB 1610](#) and [SB 2139](#), but neither crossed over to the other chamber. If there are no further attempts to statutorily mandate rule provisions, OIP intends to take a fresh look at its draft amended rules that have been awaiting AG review and submit a revised set for AG review and eventual completion of the rule amendment process.