

JAN 28 2009

A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that policies that state
2 agencies have in place regarding retention of government records
3 are presently voluntary. Some agencies are unaware of their
4 retention schedule policies, and such schedules are often not
5 followed.

6 The purpose of this Act is to require government agencies
7 and custodians of records to follow and comply with records
8 retention policies and procedures.

9 SECTION 2. Chapter 94, Hawaii Revised Statutes, is amended
10 by adding a new section to be appropriately designated and to
11 read as follows:

12 "§94- Retention of records. (a) Each government agency
13 subject to chapter 92, having the care and custody of any
14 government records shall submit to the comptroller a schedule
15 for retention of records.

16 (b) Every government agency subject to chapter 92 shall
17 comply with its respective schedule for retention of records.



1 (c) No disposal of government records shall proceed under
2 section 94-3 that commences sooner than the time for retention
3 provided in the schedule of retention under subsection (a), as
4 may be amended by the comptroller."

5 SECTION 3. Section 92F-3, Hawaii Revised Statutes, is
6 amended by amending the definition of "government record" to
7 read as follows:

8 "Government record" means [~~information maintained~~] all
9 documents, papers, letters, maps, books (except books in
10 formally organized libraries), microfilm, magnetic tape,
11 electronic mail, or other material, that is held, possessed,
12 retained, stored, or administratively controlled in any way by
13 an agency in written, auditory, visual, electronic, or other
14 physical form[-], including information that is submitted to an
15 agency pursuant to law, rule, or procedure of the agency,
16 whether or not the agency accepts the information as valid."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Government Records

Description:

Requires government agencies to file and comply with a retention schedule of government records. Clarifies the definition of government record.

