

JAN 23 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 government agencies
2 are not updating their list of records for disposal filed with
3 the comptroller, as required by current law.

4 The purpose of this Act is to:

- 5 (1) Require government agencies to file a records
6 retention schedule with the comptroller;
- 7 (2) Require the comptroller to report to the legislature
8 on all government records disposed of in 2009; and
- 9 (3) Clarify the definition of "government record".

10 SECTION 2. Section 92F-3, Hawaii Revised Statutes, is
11 amended by amending the definition of "government record" to
12 read as follows:

13 "Government record" means ~~[information]~~ all documents,
14 papers, letters, maps, books (except books in formally organized
15 libraries), microfilm, magnetic tape, electronic mail, or other
16 material, maintained by an agency in written, auditory, visual,
17 electronic, or other physical form."



1 SECTION 3. Section 94-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§94-3 Disposal of government records generally. (a)

4 Each public officer, except public officers of the judiciary and
5 the legislative branch of government, having the care and
6 custody of any government records shall submit to the [state]
7 comptroller a list of records for disposal, which shall include
8 the name of the office, department, or bureau, the subject of
9 the records for disposal, and the inclusive dates of the
10 records. The comptroller shall determine the disposition of the
11 records; stating whether the records should be retained by the
12 office, department, or bureau; be transferred to the public
13 archives, the University of Hawaii, the Hawaiian Historical
14 Society, or other agency; or be destroyed. The comptroller
15 shall have full power of disposal of all records submitted for
16 this purpose. The records of all records disposed of, including
17 lists submitted by the public officers, and the action taken by
18 the comptroller, shall be kept on proper forms, specified by the
19 comptroller, of which, one copy [~~of which~~] shall be filed in the
20 office, department, or bureau where the records originated, one
21 copy shall be filed in the office of the attorney general, and
22 the original of which shall be filed in the public archives.



1 (b) In addition to subsection (a), each public officer,
2 except public officers of the judiciary and the legislative
3 branch of government, having the care and custody of any
4 government records shall submit to the comptroller a schedule
5 for retention of records.

6 [~~b~~] (c) If requested, the comptroller shall provide
7 assistance to the legislative branch of government or any agency
8 or entity therein in establishing policies relating to the
9 disposal of government records."

10 SECTION 4. The comptroller shall file with the legislature
11 no later than twenty days prior to the convening of the regular
12 session of 2010, a report that lists all records destroyed in
13 2009 pursuant to section 94-3, Hawaii Revised Statutes.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.

17

INTRODUCED BY:



Report Title:

Government Records

Description:

Requires public officers to file a retention schedule of government records with the comptroller. Clarifies the definition of government record. Requires the comptroller to report to the legislature with a listing of all records destroyed in 2009.

