

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO FREEDOM OF INFORMATION.

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

1       SECTION 1. The legislature finds that the sunshine law,  
2 chapter 92, Hawaii Revised Statutes, is administered by the  
3 office of information practices and that this office should also  
4 have the responsibility of enforcing this law.

5       In order to ensure that fees for accessing government  
6 records do not prohibit reasonable public access, the  
7 legislature supports fee waivers by the office of information  
8 practices when the waivers are determined to be in the public's  
9 interest.

10       The purpose of this Act is to:

- 11       (1) Clarify that the office of information practices has  
12             the authority to enforce the open meetings law; and  
13       (2) Allow the office on information practices to waive any  
14             fee to access a record under specified conditions.

15       SECTION 2. Section 92-1.5, Hawaii Revised Statutes, is  
16 amended to read as follows:



1           "[-]§92-1.5[+] **Administration and enforcement of this**  
2 **part.** The director of the office of information practices shall  
3 administer and enforce this part. The director shall establish  
4 procedures for filing and responding to complaints filed by any  
5 person concerning the failure of any board to comply with this  
6 part. The director of the office of information practices shall  
7 submit an annual report of these complaints along with final  
8 resolution of complaints, and other statistical data to the  
9 legislature, no later than twenty days prior to the convening of  
10 each regular session."

11           SECTION 3. Section 92-21, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§92-21 Copies of records; other costs and fees.** (a)  
14 Except as otherwise provided by law, a copy of any government  
15 record, including any map, plan, diagram, photograph, photostat,  
16 or geographic information system digital data file, which is  
17 open to the inspection of the public, shall be furnished to any  
18 person applying for the same by the public officer having charge  
19 or control thereof upon the payment of the reasonable cost of  
20 reproducing [~~such~~] the copy.

21           (b) Except as provided in section 91-2.5, the cost of  
22 reproducing any government record, except geographic information



1 system digital data, shall not be less than 5 cents per page,  
2 sheet, or fraction thereof.

3 (c) The cost of reproducing geographic information system  
4 digital data shall be in accordance with rules adopted by the  
5 agency having charge or control of that data. [~~Such~~] The  
6 reproduction cost shall include but shall not be limited to  
7 labor cost for search and actual time for reproducing, material  
8 cost, including electricity cost, equipment cost, including  
9 rental cost, cost for certification, and other related costs.

10 (d) All fees shall be paid in by the public officer  
11 receiving or collecting the same to the state director of  
12 finance, the county director of finance, or to the agency or  
13 department by which the officer is employed, as government  
14 realizations; provided that fees collected by the public  
15 utilities commission pursuant to this section shall be deposited  
16 in the public utilities commission special fund established  
17 under section 269-33.

18 (e) Notwithstanding any law to the contrary, any fee to  
19 access a record may be waived by the office of information  
20 practices if it determines that the public's interest is served  
21 by a waiver; provided that any cost borne by the agency for the  
22 waiver shall not unduly disrupt operations of the agency."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:

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Will Eyo

By Request

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**Report Title:**

Uniform Information Practices Act; OIP; Copy Fee Waiver

**Description:**

Allows the office of information practices to enforce chapter 92, public agency meetings and records. Allows OIP to waive fees to access government records if public interest is served by a waiver.

