
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 current law requires
2 a minimum charge of 5 cents per page for copies of most
3 government records, but does not establish a maximum cost per
4 page. This makes it difficult for the public to determine
5 accurately the cost of requesting copies of documents, and may
6 deter requests.

7 The legislature further finds that government agency
8 compliance with the disclosure requirements of the Uniform
9 Information Practices Act is inconsistent and frustrates the
10 public. Requiring a government agency to keep a written record
11 of requests for disclosure of government records will address
12 this issue and enhance compliance with the requirements of the
13 Uniform Information Practices Act.

14 The purpose of this Act is to make government more
15 accountable to the public by requiring that:

16 (1) Per-page copies of most government records not exceed
17 10 cents per page; and



1 (2) Government agencies keep a written record of requests
2 for disclosure of government records.

3 SECTION 2. Section 92-21, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§92-21 Copies of records; other costs and fees.** Except
6 as otherwise provided by law, a copy of any government record,
7 including any map, plan, diagram, photograph, photostat, or
8 geographic information system digital data file, which is open
9 to the inspection of the public, shall be furnished to any
10 person applying for the same by the public officer having charge
11 or control thereof upon the payment of the reasonable cost of
12 reproducing such copy. Except as provided in section 91-2.5,
13 the cost of reproducing any government record, except geographic
14 information system digital data, shall not be [~~less~~] more than
15 [5] 10 cents per page, sheet, or fraction thereof. The cost of
16 reproducing geographic information system digital data shall be
17 in accordance with rules adopted by the agency having charge or
18 control of that data. Such reproduction cost shall include but
19 shall not be limited to labor cost for search and actual time
20 for reproducing, material cost, including electricity cost,
21 equipment cost, including rental cost, cost for certification,
22 and other related costs. All fees shall be paid in by the



1 public officer receiving or collecting the same to the state
2 director of finance, the county director of finance, or to the
3 agency or department by which the officer is employed, as
4 government realizations; provided that fees collected by the
5 public utilities commission pursuant to this section shall be
6 deposited in the public utilities commission special fund
7 established under section 269-33."

8 SECTION 3. Section 92F-11, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§92F-11 Affirmative agency disclosure responsibilities.**

11 (a) All government records are open to public inspection unless
12 access is restricted or closed by law.

13 (b) Except as provided in section 92F-13, each agency upon
14 request by any person shall make government records available
15 for inspection and copying during regular business hours;
16 provided that an agency shall not be required to make government
17 records available or respond to a person's subsequent
18 duplicative request, if:

19 (1) After conducting a good faith review and comparison of
20 the earlier request and the pending request, the
21 agency finds that the pending request is duplicative
22 or substantially similar in nature;



1 (2) The pending request has already been responded to
2 within the past year; and

3 (3) The agency's response to the pending request would
4 remain unchanged.

5 (c) Unless the information is readily retrievable by the
6 agency in the form in which it is requested, an agency shall not
7 be required to prepare a compilation or summary of its records.

8 (d) Each agency shall assure reasonable access to
9 facilities for duplicating records and for making memoranda or
10 abstracts.

11 (e) Each agency shall keep a written record of each
12 request by any person; provided that the written record shall
13 include the following information, at a minimum:

14 (1) The specific government record requested;

15 (2) The date the request was made;

16 (3) Whether the agency granted or denied the request; and

17 (4) If the request was denied, the basis for the denial.

18 The written record shall constitute a government record that
19 shall be disclosed upon request.

20 [~~e~~] (f) Each agency may adopt rules, pursuant to chapter
21 91, to protect its records from theft, loss, defacement,
22 alteration, or deterioration and to prevent manifestly excessive



1 interference with the discharge of its other lawful
2 responsibilities and functions."

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

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

6

INTRODUCED BY: *Alla A. Belatti*

JAN 24 2011



Report Title:

Government Records; Cost of Copying; Written Records of Requests for Public Information

Description:

Require that per-page copies of most government records not exceed 10 cents per page; requires government agencies to keep a written record of requests for disclosure of government records.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

