

JAN 24 2013

A BILL FOR AN ACT

RELATING TO PUBLIC ARCHIVES.

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

1 SECTION 1. Chapter 94, Hawaii Revised Statutes, is amended
2 by adding two new sections to be appropriately designated and to
3 read as follows:

4 "§94- The state archivist. The department of accounting
5 and general services fulfills its responsibilities for the
6 public archives through the state archivist. The state
7 archivist shall:

8 (1) Administer the state archives, records management, and
9 digital archives programs and facilities;

10 (2) Advise and assist state agencies in the preparation of
11 retention and disposition schedules for government
12 records; and provide records management training and
13 technical assistance services to agencies;

14 (3) Issue guidelines and standards, including those
15 applicable to computer hardware and software, for the
16 preservation of government records maintained by state
17 record keeping systems, including, but not limited to,

1 digital imaging processes for scanning of records, and
2 technology for creating and storing electronic
3 records;

4 (4) Adopt rules as may be necessary for the acquisition,
5 maintenance, access, and preservation of government
6 records, as well as the use of records or other
7 materials, in the custody of the state archives; and

8 (5) Request and obtain an electronic copy of any
9 government record of enduring value currently in
10 digital format into the digital archives to ensure its
11 long-term preservation.

12 §94- State archives preservation and long-term access

13 special fund. (a) There shall be established in the state
14 treasury the state archives preservation and long-term access
15 special fund for the preservation and long-term access to
16 government records.

17 (b) All revenues collected from fees for services provided
18 by the state archives shall be deposited in the state archives
19 preservation and long-term access special fund and be expended
20 by the comptroller to carry out the purposes of this section,
21 including for staff positions and for administrative and
22 operational costs of the program. All interest earned or

1 accrued on moneys deposited in the fund shall become part of the
2 fund.

3 (c) In addition to any other fee authorized by law, a
4 state archives preservation fee of \$ shall be assessed for
5 each document that is filed or registered by members of the
6 public with a governmental entity, and determined by the state
7 archivist to have long-term legal, historical or fiscal
8 significance. The preservation fee shall be collected and
9 deposited in the state archives preservation and long-term
10 access special fund, and used to preserve electronic records of
11 such documents in a useable state for the good of the public."

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

14 "**§94-1 Duties of department.** The department of accounting
15 and general services shall collect all public archives;
16 preserve, arrange, [~~classify,~~ describe, and inventory the same;
17 provide for their safekeeping; and compile and furnish
18 information concerning them. The department may adopt and use a
19 seal and may adopt, amend, or revise from time to time such
20 rules and regulations as it may consider expedient for the
21 conduct of its business."

1 SECTION 3. Section 94-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

1 shall be filed in the office of the attorney general, and the
2 original shall be filed in the [public] state archives."

3 SECTION 4. Section 94-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§94-4 Certificate to same.~~ The comptroller of the State
6 and the state archivist or other officer performing the duties
7 of state archivist or custodian of the [public] state archives
8 are severally authorized and empowered to certify, as true and
9 correct, copies or reproductions of any of the [~~books,~~]
10 documents, papers, writings, or other government records, or
11 excerpts therefrom in their custody. Fees for copying,
12 certification, and other services shall be prescribed by the
13 comptroller in direct relation to the cost of the services.

14 The above fees shall not be charged where the work involved
15 is required by any department or branch of the federal, state,
16 or county governments."

17 SECTION 5. Section 94-2, Hawaii Revised Statutes, is
18 repealed.

19 [~~§94-2 Sale of duplicate government publications.~~ The
20 department of accounting and general services may determine and
21 from time to time revise prices to be charged and collected by
22 the department for the sale of duplicate publications in its

1 ~~possession. The funds realized under this section shall be paid~~
2 ~~into the treasury of the State as general fund realizations."]~~

3 SECTION 6. Section 94-6, Hawaii Revised Statutes, is
4 repealed.

5 [~~§94-6 Studies. Within ten days following the initiation~~
6 ~~of any study to be done on a contractual basis by the State or~~
7 ~~one of its political subdivisions, or any agency thereof, the~~
8 ~~initiating department or agency shall notify the state archivist~~
9 ~~of the initiation of the study in the form of notice prescribed~~
10 ~~by the archivist.~~

11 ~~The archivist shall maintain a complete and current index~~
12 ~~of all studies so initiated and shall, at least semi-annually~~
13 ~~send current copies of this index to the governor, the mayors of~~
14 ~~the respective counties, the legislative reference bureau and~~
15 ~~the legislative auditor.~~

16 ~~The archivist may at any time request that a copy of any~~
17 ~~study or portion of a study be deposited with the archives and~~
18 ~~this request shall be complied with by the department or agency~~
19 ~~initiating the study.~~

20 ~~This section shall apply to all studies of whatever nature,~~
21 ~~provided, however, that to the extent that the governor or mayor~~
22 ~~of any county initiating a study determines that compliance with~~

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1 ~~any portion of this section would be contrary to the public~~
2 ~~interest they may waive compliance with respect to any study~~
3 ~~initiated under their jurisdiction."]~~

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act, upon its approval, shall take effect
7 on July 1, 2013.

8
9 INTRODUCED BY:

James Mercedo K.

10 BY REQUEST

Report Title:
State Archives

Description:

Clarifies the duties of the State Archivist to enable the agency to address the management of the digital archives and protection of electronic records of enduring value and to establish the State Archives Preservation and Long-Term Access Special Fund.

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

JUSTIFICATION SHEET

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC ARCHIVES.

PURPOSE: The purposes of this bill are to clarify the authority and duties of the State Archivist to establish and manage a digital archives, accept and preserve electronic records of enduring value, and to establish a special fund. This measure also repeals obsolete sections of the law.

MEANS: Add two sections to chapter 94; amend sections 94-1, 94-3, and 94-4; and repeal sections 94-2 and 94-6, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Presently, the State Archives (Archives) accepts only original paper records into the Archives. This bill will allow the Archives to accept electronic records for long-term preservation once the Archives has the capabilities to do so and adopts rules and policies specifying the means and methods of accepting them.

This bill proposes to repeal section 94-2, HRS, because the Archives is no longer depository for government publications and few are still printed in hard copy.

This bill also proposes to repeal section 94-6, HRS, because studies and reports are published and distributed online, making the compilation of lists unnecessary.

Impact on the public: This bill will allow for the preservation and long-term access to at-risk electronic state records. The rights of the people are preserved through their continued access to the State's records of administrative, legal, fiscal,

and historical value in any format,
including electronic format.

Impact on the department and other agencies:

The State Archives will be able to extend
services of archiving and assisting in the
management of state agency records to
include electronic records.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: AGS 111

OTHER AFFECTED
AGENCIES: Executive Branch, Legislature

EFFECTIVE DATE: July 1, 2013.