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# 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 three new sections to be appropriately designated and  
3 to read as follows:

4           "§94- Definitions. For the purposes of this chapter,  
5 unless the context clearly indicates otherwise:

6           "Disposition" means actions resulting in the transfer to  
7 the state archives or destruction of records as documented in  
8 the records retention and disposition schedule or other  
9 authority.

10           "Enduring value" means the continued significance of  
11 records determined by their legal, fiscal, administrative, or  
12 historical value that warrants their preservation by the state  
13 archives.

14           "Preservation" means a series of managed activities  
15 necessary to protect machine readable records from loss,  
16 alteration, deterioration, and technological obsolescence to  
17 ensure an accurate rendering of those records in perpetuity in  
18 an environment independent from that which produced them.



1 "Records" means information with fixed form and content,  
2 regardless of physical form or characteristics, created or  
3 received in the course of government activity and set aside as  
4 evidence of that activity. In databases, "records" mean a  
5 collection of related data fields.

6 "Records retention and disposition schedule" means a  
7 records disposition authorization (form SA-1) or general records  
8 schedule issued by the state comptroller, pursuant to section  
9 94-3.

10 §94- The state archivist. The department of accounting  
11 and general services shall fulfill its responsibilities for the  
12 public archives through the state archivist. The state  
13 archivist shall:

- 14 (1) Administer the state archives, records management, and  
15 digital archives programs and facilities;  
16 (2) Advise and assist state agencies in the preparation of  
17 retention and disposition schedules for government  
18 records; and provide records management training and  
19 technical assistance services to agencies;  
20 (3) Issue guidelines and standards, including those  
21 applicable to computer hardware and software, for the  
22 preservation of government records maintained by state



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

4 (4) Adopt rules as may be necessary to effectuate the  
5 responsibilities established under paragraph (1), and  
6 for the acquisition, maintenance, access, and  
7 preservation of government records, as well as the use  
8 of records or other materials, in the custody of the  
9 state archives; and

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

14 **§94- State archives preservation and long-term access**  
15 **special fund; state archives preservation fee.** (a) There shall  
16 be established in the state treasury the state archives  
17 preservation and long-term access special fund for the  
18 preservation of and long-term access to government records.

19 (b) All revenues collected from fees for services provided  
20 by the state archives shall be deposited in the state archives  
21 preservation and long-term access special fund and be expended  
22 by the comptroller to carry out the purposes of this section,



1 including funding for staff positions and for administrative and  
2 operational costs of the program. All interest earned or  
3 accrued on moneys deposited in the fund shall become part of the  
4 fund.

5 (c) In addition to any other fee authorized by law, a  
6 state archives preservation fee of \$1 shall be assessed for each  
7 document that is filed or registered by members of the public  
8 with a governmental entity and listed on an authorized records  
9 retention and disposition schedule as permanent. The  
10 preservation fee shall be collected and deposited in the state  
11 archives preservation and long-term access special fund and used  
12 to preserve and keep accessible electronic records of such  
13 documents in a useable state for the good of the public."

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

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



1 rules and regulations as it may consider expedient for the  
2 conduct of its business."

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

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

1 department, or bureau where the records originated, one copy  
2 shall be filed in the office of the attorney general, and the  
3 original shall be filed in the [~~public~~] state archives."

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

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

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

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

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



1 ~~the department for the sale of duplicate publications in its~~  
2 ~~possession. The funds realized under this section shall be paid~~  
3 ~~into the treasury of the State as general fund realizations." ]~~

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

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

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

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

21 ~~This section shall apply to all studies of whatever nature;~~  
22 ~~provided, however, that to the extent that the governor or mayor~~



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

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

7 SECTION 8. This Act shall take effect on July 1, 2013.





**Report Title:**

State Archives; Preservation; Electronic Records

**Description:**

Clarifies the duties of the state archivist to enable the department of accounting and general services to address the management of the digital archives and protection of electronic records of enduring value. Establishes the state archives preservation and long-term access special fund. Establishes the state archives preservation fee of an unspecified amount. (CD1)

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