

Honolulu, Hawaii  
February 19, 2016

RE: H.B. No. 2158  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2158 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS,"

begs leave to report as follows:

The purpose of this measure is to require agencies to exercise reasonable care in the maintenance of all government records that are under their control and required to be made available for public inspection.

The Aina Haina Community Association testified in support of this measure. The Office of Information Practices and the Corporation Counsel of the City and County of Honolulu testified in opposition.

Your Committee has amended this measure by:

- (1) Deleting the amendment to section 92F-18, Hawaii Revised Statutes, and instead adding a new section in Chapter 94, Hawaii Revised Statutes, that requires each unit of government in the State and its political subdivisions to:
  - (A) Exercise reasonable care in the maintenance of agency records that are subject to public disclosure under Hawaii's Uniform Information Practices Act (Modified);



- (B) Issue instructions and guidelines for the reasonable care of records under the control of the agency; and
  - (C) Ensure that all pertinent officers and employees are informed of the requirements;
- (2) Creating a rebuttable presumption that the government entity has exercised reasonable care in its maintenance of government records if it adheres to a duly adopted records retention and destruction plan; and
  - (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2158, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2158, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



