STAND. COM. REP. NO.

Honglulu, Hawaii 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);

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- (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,

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-eighth Legislature

H30R 605-16

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Committee WB AIS8 C	e Referral: DUD ₁ Fl	N Date:	2/16/16	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. SAN BUENAVENTURA, Joy A. (VC)				
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CREAGAN, Richard P.				
6. HASHEM, Mark J.				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris				
9. MORIKAWA, Dee				
10. NAKASHIMA, Mark M.				
11. TAKAYAMA, Gregg				
12. WOODSON, Justin H.				
13. McDERMOTT, Bob				
14. THIELEN, Cynthia				
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TOTAL (14)	_ / 2			2
The recommendation is: Adopted Not Adopted If joint referral,				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				