

STAND. COM. REP. NO.

1097

Honolulu, Hawaii

March 25, 2015

RE: S.B. No. 140  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 140 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 under their control that are required to be made available for public inspection.

The Corporation Counsel of the City and County of Honolulu testified in opposition to this measure. The Office of Information Practices provided comments and proposed amendments.

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, to establish the duty to exercise reasonable care in maintaining records;
- (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) Changing the effective date to July 1, 2016.

SB140 HD1 HSCR JUD HMS 2015-2692-1



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 S.B. No. 140, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 140, H.D. 1, and be referred to the Committee on Finance.

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



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KARL RHOADS, Chair



