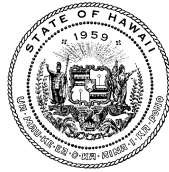


DAVID Y. IGE  
GOVERNOR



CURT T. OTAGURO  
COMPTROLLER  
AUDREY HIDANO  
DEPUTY COMPTROLLER

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY  
OF  
CURT T. OTAGURO, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

MARCH 21, 2019, 3:05 P.M.  
CONFERENCE ROOM 312, STATE CAPITOL

H.C.R. 180/H.R. 162  
REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO  
ESTABLISH A TASK FORCE TO CONDUCT A STUDY CONCERNING THE CURRENT  
AND FUTURE NEEDS OF THE STATE ARCHIVES

Chair Cullen, Vice Chair Nakashima, and Members of the Committee, thank you for the opportunity to testify on H.C.R. 180/H.R. 162 which requests the Department of Accounting and General Services (DAGS) to establish a Task Force to assess the current and future needs of the Hawaii State Archives. The Department of Accounting and General Services (DAGS) supports the intent of H.C.R. 180/H.R. 162 and offers the following comments:

1. The current archives facility was designed 70 years ago. Based on current archival practice and public access needs, this facility is severely outdated in form and function.
2. The State Archives holds over 1000 artifacts in the Public Trust with no provisions to display any. These artifacts that are among the most important objects in Hawaii's rich and diverse history, and includes: The Great Mahele, Royal Hawaiian Seals, flags from four of Hawaii's Governments, Moon Rocks from Apollo 11 and 17, pens that signed the notable events, and numerous treaties and documents signed by Foreign Heads of State.

3. The Public Research Room is limited in the number of patrons it can accommodate, diminishing its utility to organized classroom activities at the High School and University levels, while the electrical grid within the facility cannot accommodate the preservation of the millions of electronic records being created today.
4. The facility is capable of storing approximately 14,000 cu ft of records which is at 93% capacity. At the current rate of growth of 200 cu ft of records per year, the State Archives will reach capacity in less than six years; after which time it will no longer be able to execute on its Legislative Mandate to collect, arrange, describe and make accessible the Public Archives of the State of Hawaii.
5. These limits on space severally impinges upon the ability of the State Archives to conduct educational and outreach efforts to the public and school groups while simultaneously serving patrons conducting archival research.

Thank you for the opportunity to testify.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committee on Legislative Management

From: Cheryl Kakazu Park, Director

Date: March 21, 2019, 3:05 p.m.  
State Capitol, Conference Room 312

Re: Testimony on H.C.R. No. 180 and H.R. No. 162  
Requesting the Department of Accounting and General Services to  
Establish a Task Force to Conduct a Study Concerning the Current  
and Future Needs of the State Archives.

---

---

Thank you for the opportunity to submit testimony on this bill, which would request the Department of Accounting and General Services to convene a task force to conduct a study of the current and future needs of the State Archives. The Office of Information Practices (OIP) takes no position on the proposed Task Force, but **is recommending deletion of the clause stating the group is exempt from chapter 92, part I of which is the Sunshine Law. The proposed exemption is unnecessary and would in any case be ineffective.**

OIP has previously held that a group created by resolution is generally not a “board” subject to the Sunshine Law. To be a “board,” a group must be “created by constitution, statute, rule, or executive order,” and creation by nonbinding resolution does not satisfy that requirement as it is not equivalent to creation by statute. OIP Op. Ltr. No. 08-02 at 3-7. Thus, it is unlikely that the group called for by this resolution would be subject to the Sunshine Law in the first place.

Even if the group were subject to the Sunshine Law, the provision exempting it from the Sunshine Law and the rest of chapter 92, HRS, would be ineffective because a resolution, which is not legally binding, would not override statutory requirements such as those set out in the Sunshine Law.

**Thus, the proposed Sunshine Law exemption is likely unnecessary, and would be ineffective. OIP recommends that to avoid confusion, this Committee should amend the resolution by deleting the proposed exemption (at bill page 3 lines 29-30).**