

STAND. COM. REP. NO.

2742

Honolulu, Hawaii

MAR 03 2022

RE: S.B. No. 2916  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2916 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY POWERS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the Governor or a Mayor from suspending requests for public records or vital statistics during a declared state of emergency.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, Kokua Council, Hawaii Chapter of the Society of Professional Journalists, For Our Rights, and three individuals. Your Committee received comments on this measure from the Department of Human Services, Office of Information Practices, Grassroot Institute of Hawaii, and Common Cause Hawaii.

Your Committee finds that the Governor's twenty-first proclamation relating to the coronavirus disease 2019 (COVID-19) emergency included a suspension of the Uniform Information Practices Act to the extent that it contains any deadlines for agencies or the Office of Information Practices, relating to requests for government records or complaints to the Office of Information Practices, subject to minimum requirements. One requirement is that the completion of the request must directly



impair the agency's COVID-19 response effort. This requirement lets government agencies freely deny access to public information for an indefinite time period even as COVID-19 vaccination rates increase and the economy begins to reopen. This measure prevents future suspensions of the acquisition of critical public records.

Your Committee has amended this measure by:

- (1) Clarifying that the Governor or a Mayor shall not, through any proclamation or declaration of emergency or any rule or order, suspend agency response deadlines for requests to public records, or vital records or statistics;
- (2) Specifying that due to extenuating circumstances, there may be a reasonable delay in an agency's response to a request; provided that an agency shall not reject a request at any time, regardless of whether an emergency has been declared; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2916, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2916, S.D. 1, and be placed on the calendar for Third Reading.

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



---

KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2916	JDC	02-17-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			<del>—</del>
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	7	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes