

STAND. COM. REP. NO. 1145-22

Honolulu, Hawaii

MAR 18, 2022

RE: S.B. No. 3252  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred  
S.B. No. 3252, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Impose a cap on the costs charged for the reproduction of certain government records;
- (2) Waive reproduction costs for the first one hundred pages of a government record if the record's disclosure is in the public interest;
- (3) Waive the cost of duplication of government records provided to requestors in an electronic format;
- (4) Impose a cap on costs charged for searching for, reviewing, and segregating government records; and
- (5) Provide for a waiver of fees when the public interest is served by a government record's disclosure.

2022-2276 SB3252 HD1 HSCR HMSO-1



Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Hawaii Chapter of the Society of Professional Journalists, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, and two individuals. Your Committee received testimony in opposition to this measure from the Department of Design and Construction of the City and County of Honolulu. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Land and Natural Resources, Department of Budget and Finance, Hawaii State Archives, Office of Information Practices, Employees' Retirement System, Honolulu Police Department, and Grassroot Institute of Hawaii.

Your Committee finds that public records laws are a critical mechanism to maintain government accountability and transparency and support citizen involvement in government decision-making. Your Committee further finds that excessive fees for record requests are an obstacle to any general policy of open government and discourage the public from learning more about government operations.

Your Committee further finds that by limiting the cap on costs for searching for, reviewing, and segregating government records to digital records only will address the concerns that exorbitant resources will be needed to accomplish this requirement.

Your Committee has amended this measure by:

- (1) Removing language that waived the reproduction costs for the first one hundred pages of certain government records if disclosure was in the public's interest;
- (2) Specifying that the cap on costs charged for searching for, reviewing, and segregating government records applies to digital government records; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

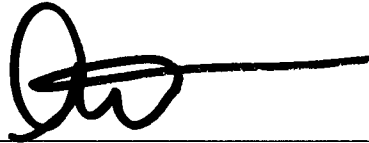
Your Committee respectfully requests your Committee on Finance, should it choose to deliberate on this measure, to consider appropriating funds for the establishment of ten full-time equivalent staff positions (10.0 FTE) in the Hawaii State



Archives to assist with its mission and increase public access to historical documents and artifacts.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3252, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3252, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Government Reform,



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ANGUS L.K. McKELVEY, Chair



