

Honolulu, Hawaii

FEB 16 2022

RE: S.B. No. 3252  
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. 3252 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

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

Your Committee received testimony in support of this measure from the Department of Transportation, Common Cause Hawaii, Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, All Hawaii News, Big Island Press Club, and two



individuals. Your Committee received comments on this measure from the Department of Human Services, Department of Budget and Finance, Department of Land and Natural Resources, Employees' Retirement System, Office of Information Practices, and Grassroot Institute of Hawaii.

Your Committee finds that public records laws provide a critical mechanism to maintain government accountability and transparency and support citizen involvement in government decision-making. The real-world consequences of restricting access to that information can range from serious to routine but, in all cases, result in a less informed citizenry. Fee waivers offer a simple and flexible solution. By providing public-interest fee waivers uniformly, the public records request process can provide equity to access.

Your Committee notes that this measure is adopting the Freedom of Information Act standard which allows for waivers for media if the request is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in the commercial interest. Simply having a commercial interest is not a disqualifier for a fee waiver.

Your Committee has amended this measure by clarifying that reproduction costs will not be charged for producing documents provided to requesters in electronic format if the agency maintains those documents in an electronic format; however, requesters shall be charged for documents requested that are not maintained in electronic format and must be manually faxed or scanned into an electronic format.

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. 3252, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3252, S.D. 1, and be referred to your Committee on Ways and Means.



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

*Karl Rhoads*

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KARL RHOADS, Chair



