

Honolulu, Hawaii

MAR 04 2022

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

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 3252, S.D. 1, 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 lower the public's cost to access to government records.

More specifically, the measure:

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



Your Committee received written comments in support of this measure from Common Cause Hawaii, Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, All Hawaii News, Big Island Press Club, Hawaii Chapter of the Society of Professional Journalists, and one individual.

Your Committee received written comments in opposition to this measure from the Department of Design and Construction of the City and County of Honolulu.

Your Committee received written comments on this measure from the Office of Information Practices, Professional Vocational Licensing Division of the Department of Commerce and Consumer Affairs, Employees' Retirement System, Department of Land and Natural Resources, Department of Budget and Finance, Department of Human Services, Honolulu Police Department, and Grassroot Institute of Hawaii.

Your Committee finds that this measure establishes a more uniform approach to determining the costs charged for public records requests and the application of fee waivers thereto, and will promote more equitable access to government records.

Your Committee has amended this measure by:

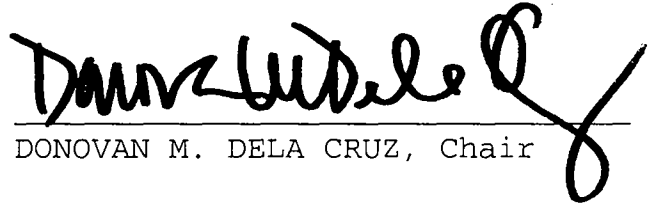
- (1) Clarifying, where applicable, that references to "disclosure" pertain to disclosure of a record in the public interest, and references to "public interest" pertain to the public interest served by a record's disclosure;
- (2) Clarifying that, although reproduction costs shall not be charged for documents maintained by an agency in an electronic format and provided to requesters in an electronic format, requesters shall be charged for an agency's provision of documents requested in an electronic format that are not maintained by the agency in an electronic format and must be faxed or converted into an electronic format;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and



- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3252, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3252, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 3252, SD1	JDC, WAM	3/3/22

The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: \_\_\_\_\_

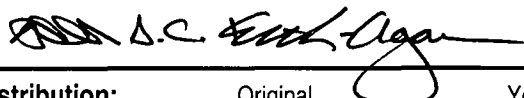
The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.				X
MISALUCHA, Bennette E.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.				X
WAKAI, Glenn	X			
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>8</b>			<b>3</b>

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature:



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\*Only one measure per Record of Votes