

STAND. COM. REP. NO. 1405

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 719  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 719, H.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 provide more equitable access to government records by:

- (1) Imposing a cap on charges for the reproduction of certain government records;
- (2) Waiving the cost of duplication of government records provided to requestors in an electronic format;
- (3) Imposing a cap on charges for searching for, reviewing, and segregating records;
- (4) Providing for a waiver of fees when the public interest is served by a record's disclosure; and
- (5) Appropriating funds for two permanent positions within the Office of Information Practices.

Your Committee received testimony in support of this measure from the Commission to Improve Standards of Conduct, The Civil



Beat Law Center for the Public Interest, Hawaii Bulletin, Big Island Press Club, Hawaii Chapter of the Society of Professional Journalists, League of Women Voters of Hawaii, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, Holomua Collaborative, All Hawaii News, and six 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 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. This measure seeks to address the imposition of high search and reproduction costs as a deterrent to pursue Uniform Information Practices Act requests. Although your Committee recognizes a need to discourage nuisance requests or abuse of the public records law, and it also recognizes that agencies may vary in their interpretation of the current language regarding the waiver of fees when the public interest is served. Therefore, amendments are necessary to address this concern.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the legislative findings;
- (2) Waiving reproduction costs charged for the first one hundred pages if the disclosure serves the public interest, will likely contribute significantly to the public understanding of the government's operations or activities, and is not primarily in the commercial interest; 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 719, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 719,



H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

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



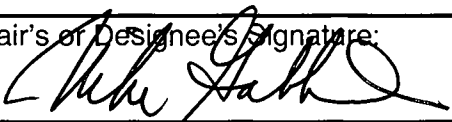
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ANGUS L.K. MCKELVEY, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:* <b>HB719, HD1</b>	Committee Referral: <b>GVO, WAM/JDC</b>	Date: <b>3-23-23</b>		
<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
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
SAN BUENAVENTURA, Joy A.	✓			
WAKAI, Glenn	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>	<b>—</b>	<b>—</b>	<b>—</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<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