

STAND. COM. REP. NO.

188

Honolulu, Hawaii

FEB 10 2025

RE: S.B. No. 406
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 406 entitled:

"A BILL FOR AN ACT RELATING TO COPYING FEES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the cost of reproducing government records from exceeding 5 cents per page, with certain exceptions.

Your Committee received testimony in support of this measure from All Hawaii News, Big Island Press Club, Grassroot Institute of Hawaii, League of Women Voters of Hawaii, and Public First Law Center.

Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services.

Your Committee received comments on this measure from the Employees' Retirement System and Office of Information Practices.

Your Committee finds that accessing government records open to the public should not be cost prohibitive. Public records are a critical mechanism for ensuring government transparency. Unreasonable costs discourage public inspection of government operations and erode public trust in the State. This measure will



maintain reasonable costs for producing copies of government records by instituting a cap on reproduction fees.

Your Committee notes the concerns expressed by the Department of Accounting and General Services that a cap of 5 cents per page on making physical copies of government records is an unrealistic portrayal of the actual cost of producing them, when considering the cost of leasing the copying machines, and financially burdensome to state departments. Your Committee wishes to strike a balance on capping reproduction fees by utilizing new technology; however, recognizes the limitations.

Accordingly, your Committee has amended this measure by:

- (1) Limiting the application of the 5 cent fee cap to digital copies of government records that have already been digitized, to protect the public interest without unduly burdening state departments;
- (2) Inserting an effective date of January 1, 2525, to encourage further discussion; 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 S.B. No. 406, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 406, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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



ANGUS L.K. MCKELVEY, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB406</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">GVO, JDC/WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">1-30-25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt				✓
TOTAL	4	—	—	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">Mike Gabbard</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes