

STAND. COM. REP. NO. 632

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 140

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 140 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require agencies to exercise reasonable care in the maintenance of all government records under their control that are required to be made available for public inspection.

Your Committee received testimony in support of this measure from the Kokua Council and 'Āina Haina Community Association. Your Committee received testimony in opposition to this measure from the Office of Information Practices and Police Department, City and County of Honolulu.

Your Committee finds that in Molfino v. Yuen, Civ. No. 07-1-0378, 2014 (Haw. Sup. Ct. Nov. 13, 2014), the Supreme Court upheld a Circuit Court ruling that, absent a statutory requirement, a government agency does not have a duty of reasonable care with respect to maintaining government records for the purpose of public inspection. This measure amends chapter 92F, Hawaii Revised Statutes, to create a statutory requirement that government agencies exercise reasonable care in maintaining those government records open to public inspection.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B.

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No. 140 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



GILBERT S.C. KEITH-AGARAN, Chair



Record of Votes
Committee on Judiciary and Labor
JDL

*Only one measure per Record of Votes