



GOV. MSG. NO. 1279

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

SB3282 SD1 HD2 CD1

RELATING TO GOVERNMENT RECORDS.
ACT 178

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor
on JUN 27 2022
THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 178
S.B. NO. 3282
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds it to be in the best
2 interest of the State and public to ensure that governmental
3 records are managed in as cost- and space-effective means as
4 possible. Records must be stored and accessible for the entire
5 period of their legal retention schedule and destroyed at the
6 expiration of their retention period. Site surveys have
7 determined that storing inactive records within the office
8 spaces allotted to state agencies is neither a good use of
9 public funds nor the agencies' office spaces. Governmental
10 records are most efficiently and effectively managed when they
11 are transferred to mass storage facilities once their immediate
12 business needs have been satisfied.

13 The legislature further finds that the state archives is
14 the only agency in the State that has been legislatively tasked
15 with the duty to collect, preserve, arrange, describe, and
16 inventory records of enduring value. The state archives also
17 provides records management consultative services to all three
18 branches of government and cost-efficient mass storage of both



1 records of enduring value and non-permanent inactive records of
2 government. The state archives manages the public archives in
3 the Kekauluohi building as a state-of-the-art archival facility
4 with security, environmental controls, gas fire suppression, and
5 professional staff to ensure the long-term preservation of and
6 access to approximately fourteen thousand cubic feet of records
7 of enduring value. The state archives manages the state records
8 center at Mapunapuna for the cost-efficient storage and
9 destruction of up to fifty-nine thousand cubic feet of inactive
10 non-permanent records. Because the state records center can
11 store inactive non-permanent records at approximately one-fifth
12 the cost of storing those same records in state office
13 buildings, it is of greatest benefit to the State to maximize
14 the storage of inactive non-permanent records at the state
15 records center and ensure the long-term preservation of records
16 of enduring value at the public archives.

17 Accordingly, the purpose of this Act is to:

18 (1) Amend existing law to empower the comptroller to
19 mandate the transfer of non-permanent governmental
20 records to the state records center; and



(2) Appropriate \$303,000 for the costs necessary for the transfer of non-permanent government records to the state records center; provided that \$118,000 shall fund two full-time equivalent (2.0 FTE) positions within the state archives to assist in the transfer of non-permanent government records to the state records center and to assist in the digitization of records.

SECTION 2. Section 94-3, Hawaii Revised Statutes, is amended to read as follows:

"§94-3 Disposal of government records generally. (a)

Each public officer, except public officers of the judiciary and the legislative branch of government, having the care and custody of any government records shall submit to the state comptroller a list of records for disposition authorization, which shall include the name of the office, department, or bureau, the description of the records for disposal, the inclusive dates of the records, and the retention period.

(b) The comptroller shall determine the disposition of the records ~~[, stating]~~ and shall state whether the records should be ~~[retained]~~ :



- 1 (1) Retained by the office, department, or bureau; [~~be~~
2 ~~transferred~~]
- 3 (2) Transferred to the state archives, state records
4 center, or other agency[+], and the time period at
5 which the records shall be transferred as directed; or
6 [~~be destroyed.~~]
- 7 (3) Destroyed at the expiration of their retention period.
- 8 (c) The comptroller shall have full power of disposal of
9 all records submitted for this purpose. The disposition
10 authorization of all records, including lists submitted by the
11 public officers, and the action taken by the comptroller, shall
12 be kept on proper forms, specified by the comptroller, one copy
13 of which shall be filed in the office, department, or bureau
14 where the records originated, one copy shall be filed in the
15 office of the attorney general, and the original shall be filed
16 in the state archives.
- 17 [~~(b)~~] (d) If requested, the comptroller shall provide
18 assistance to the legislative branch of government or any agency
19 or entity therein in establishing policies relating to the
20 disposal of government records.



1 (e) The comptroller's authority over governmental records
2 under this section shall only apply to governmental records
3 created after August 21, 1959."

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$303,000 or so much
6 thereof as may be necessary for fiscal year 2022-2023 for the
7 costs necessary for the transfer of non-permanent government
8 records to the state records center pursuant to chapter 94,
9 Hawaii Revised Statutes; provided that \$118,000 of the moneys
10 appropriated pursuant to this Act shall be used to fund the
11 salaries of one full-time equivalent (1.0 FTE) position within
12 the state archives to assist agencies in the identification and
13 transfer of certain government records to the state records
14 center and one full-time equivalent (1.0 FTE) position within
15 the state archives to assist in the digitization of government
16 records.

17 The sum appropriated shall be expended by the department of
18 accounting and general services for the purposes of this Act.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2022.



S.B. NO. 3282
S.D. 1
H.D. 2
C.D. 1

APPROVED this 27th day of June, 2022

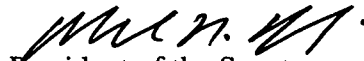
A handwritten signature in black ink, appearing to read "David I. Byrne". The signature is fluid and cursive, with a large, sweeping "D" and a long, horizontal stroke at the end.


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate

SB No. 3282, SD 1, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives