

STAND. COM. REP. NO. **2703**

Honolulu, Hawaii

FEB 16 2024

RE: S.B. No. 2139
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 2139 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:

- (1) Impose a cap on costs charged to reproduce certain government records;
- (2) Waive reproduction costs charged for the first one hundred pages if the record's disclosure serves the public interest;
- (3) Waive costs charged to duplicate government records in an electronic format;
- (4) Impose a cap on costs charged to search for, review, and segregate records; and
- (5) Provide for a waiver of fees when a record's disclosure serves the public interest.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Grassroot Institute of



Hawaii, Hawaii Chapter of the Society of Professional Journalists, ACLU of Hawaii, and three individuals.

Your Committee received testimony in opposition to this measure from the Department of Agriculture, Department of the Attorney General, Department of Land and Natural Resources, and thirty-one individuals.

Your Committee received comments on this measure from the Department of Accounting and General Services, Department of Budget and Finance, Department of Human Services, Department of Education, Department of Corrections and Rehabilitation, University of Hawai'i System, Office of Information Practices, Employees' Retirement System, Honolulu Police Department, Public First Law Center, and one individual.

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. Your Committee further finds that imposition of fees on accessing these records may serve as a restriction for certain persons, causing inequity and a less informed citizenry as a whole. This measure will reduce this restriction, thereby improving transparency and accountability in government operations.

Your Committee notes the concerns raised in various testimony regarding the adverse impacts the increase in requests for public records may have on the ability of state departments and agencies to carry out their primary functions. However, your Committee believes that it is crucial to safeguard the financial and operational integrity of resources in the Lahaina area following the August 2023 Maui wildfire. Your Committee further believes that access to government records is necessary for the media and other interested parties to ensure government funds are used appropriately and that relief and recovery programs and policies are carried out with accountability and transparency for this and other potential future disasters, given the historical issues of waste and mismanagement that have followed all disasters.



Accordingly, your Committee has amended this measure by:

- (1) Limiting its scope to apply only during nationally declared disasters;
- (2) Inserting an effective date of July 1, 2112, to encourage further discussion;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) 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. 2139, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2139, 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,

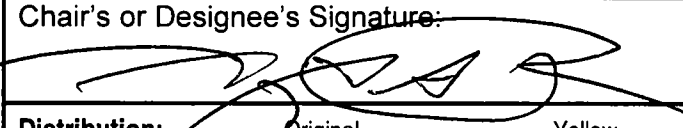


ANGUS L.K. MCKELVEY, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2139	GVO, JDC/WAM	2/8/2024		
<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	/			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; font-family: cursive;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes