

STAND. COM. REP. NO. 831

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 767

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 767 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY POWERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the Governor or a Mayor from suspending requests for public records or vital statistics during a declared state of emergency; and
- (2) Allow for a reasonable delay in an agency's response to a request as a result of extenuating circumstances.

Your Committee received testimony in support of this measure from the Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, All News Hawaii, Iron Workers Stabilization Fund, and four individuals. Your Committee received comments on this measure from the Hawai'i Emergency Management Agency, Department of Human Services, Department of Health, Office of Information Practices, and Grassroot Institute of Hawaii.

Your Committee finds that the Governor's Twenty-First Emergency Proclamation relating to the coronavirus disease 2019 (COVID-19) emergency included a suspension of the Uniform Information Practices Act to the extent that it contains any deadlines for agencies or the Office of Information Practices,



relating to requests for government records or complaints to the Office of Information Practices, subject to minimum requirements. One requirement is that the completion of the request must directly impair the agency's COVID-19 response effort. This requirement allowed government agencies to freely deny access to public information for an indefinite time period even as COVID-19 vaccination rates increase and the economy begins to reopen. This measure prevents future suspensions of the acquisition of critical public records.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 767 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,



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KARL RHOADS, Chair



