

Honolulu, Hawaii

FEB 09 , 2026

RE: H.B. No. 1521  
H.D. 1

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1521 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require contractors performing a government function to retain records related to the performance of that function and provide agencies with access to those records; and
- (2) Deem the records to be government records under the Uniform Information Practices Act.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii; Public First Law Center; All Hawaii News; and Grassroot Institute of Hawaii. Your Committee received testimony in opposition to this measure from the Department of the Attorney General; Hale Kipa; and Adult Friends for Youth. Your Committee received comments on this measure from the Department of Human Services; Employees' Retirement System; State Procurement Office; Office of Information Practices; and Office of Youth Services.



Your Committee finds that public agencies increasingly rely on private contractors to perform agency functions and that records related to those functions are essential for transparency and accountability. Your Committee further finds that clarifying the application of the Uniform Information Practices Act to contractor records will prevent the circumvention of public records laws through outsourcing, thereby promoting open government and strengthening public trust in state operations.

Your Committee has amended this measure by:

- (1) Changing the term "government function" to "agency function";
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the term "agency function" is used in lieu of "government function" to describe the scope of contractor activities covered by the record-retention and access requirements. Your Committee further notes that "agency function" is not intended to be synonymous with "government function" as that term appears elsewhere in the Uniform Information Practices Act.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider the concerns raised by the Department of Human Services, Office of Youth Services, and Hale Kipa regarding the additional costs for contracted agencies that could result from the implementation of this measure. Your Committee further requests consideration of the Employees' Retirement System's concerns that any application of public records requirements to contractors be carefully tailored to preserve necessary confidentiality protections for sensitive and proprietary information.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1521, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 1521, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

<b>Bill/Resolution No.:</b> HB 1521	<b>Committee Referral:</b> JHA, FIN	<b>Date:</b> 2/3/2026		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle	✓			
5. HASHEM, Mark J.				✓
6. KAHALOA, Kirstin	✓			
7. SAYAMA, Jackson D.	✓			
8. TAKAYAMA, Gregg	✓			
9. GARCIA, Diamond			✓	
10. SHIMIZU, Garner M.			✓	
<b>TOTAL (10)</b>	<b>7</b>	<b>0</b>	<b>2</b>	<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				