

Honolulu, Hawaii

MAR 25, 2026

RE: S.B. No. 2312
S.D. 1
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 S.B. No. 2312, S.D. 1, 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 an agency 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 Public First Law Center; League of Women Voters of Hawaii; Grassroot Institute of Hawaii; and four individuals. Your Committee received testimony in opposition to this measure from the Office of the Governor; Department of Commerce and Consumer Affairs; Department of Human Resources Development; Department of the Attorney General; Department of Land and Natural Resources; Department of Taxation; Department of Business, Economic Development, and Tourism; Department of Labor and Industrial



Relations; University of Hawai'i System; Department of Human Services; Department of Defense; Department of Corrections and Rehabilitation; Department of Education; Hawaii Public Housing Authority; State Procurement Office; Department of Customer Services of the City and County of Honolulu; and Honolulu Board of Water Supply. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that as government agencies increasingly rely on private contractors to perform agency functions, the public's ability to access records necessary for effective oversight may be diminished. Your Committee further finds that clarifying that records created or maintained by contractors on behalf of an agency are subject to the Uniform Information Practices Act will help prevent circumvention of transparency requirements and strengthen public accountability. This measure ensures that records remain accessible regardless of whether an agency performs a function directly or through a contractor.

Your Committee has amended this measure by:

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

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 S.B. No. 2312, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2312, S.D. 1, 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,



DAVID A. TARNAS, Chair



