

**ACT 178**

S.B. NO. 3282

A Bill for an Act Relating to Government Records.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds it to be in the best interest of the State and public to ensure that governmental records are managed in as cost- and space-effective means as possible. Records must be stored and accessible for the entire period of their legal retention schedule and destroyed at the expiration of their retention period. Site surveys have determined that storing inactive records within the office spaces allotted to state agencies is neither a good use of public funds nor the agencies' office spaces. Governmental records are most

efficiently and effectively managed when they are transferred to mass storage facilities once their immediate business needs have been satisfied.

The legislature further finds that the state archives is the only agency in the State that has been legislatively tasked with the duty to collect, preserve, arrange, describe, and inventory records of enduring value. The state archives also provides records management consultative services to all three branches of government and cost-efficient mass storage of both records of enduring value and non-permanent inactive records of government. The state archives manages the public archives in the Kekauluohi building as a state-of-the-art archival facility with security, environmental controls, gas fire suppression, and professional staff to ensure the long-term preservation of and access to approximately fourteen thousand cubic feet of records of enduring value. The state archives manages the state records center at Mapunapuna for the cost-efficient storage and destruction of up to fifty-nine thousand cubic feet of inactive non-permanent records. Because the state records center can store inactive non-permanent records at approximately one-fifth the cost of storing those same records in state office buildings, it is of greatest benefit to the State to maximize the storage of inactive non-permanent records at the state records center and ensure the long-term preservation of records of enduring value at the public archives.

Accordingly, the purpose of this Act is to:

- (1) Amend existing law to empower the comptroller to mandate the transfer of non-permanent governmental 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) Retained by the office, department, or bureau; ~~[be transferred]~~

(2) Transferred to the state archives, state records center, or other agency[; and the time period at which the records shall be transferred as directed; or ~~[be destroyed]~~]

(3) Destroyed at the expiration of their retention period.

(c) The comptroller shall have full power of disposal of all records submitted for this purpose. The disposition authorization of all records, including lists submitted by the public officers, and the action taken by the comptroller, shall be kept on proper forms, specified by the comptroller, one copy of which shall be filed in the office, department, or bureau where the records originated, one copy shall be filed in the office of the attorney general, and the original shall be filed in the state archives.

~~[(b)]~~ (d) If requested, the comptroller shall provide assistance to the legislative branch of government or any agency or entity therein in establishing policies relating to the disposal of government records.

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

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

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

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

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

(Approved June 27, 2022.)