

MAR 18 2009

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO WAIVE COPY FEES FOR ACCESS TO AND
COPIES OF JUDGES' REDACTED FINANCIAL DISCLOSURE STATEMENTS.

1 WHEREAS, the Uniform Information Practices Act (chapter
2 92F, Hawaii Revised Statutes) allows agencies to charge fees for
3 searching, reviewing, or segregating disclosable records, and to
4 provide for a waiver of such fees when the public interest would
5 be served (section 92F-42(13), Hawaii Revised Statutes); and
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7 WHEREAS, the week of March 15-March 21, 2009, is National
8 Sunshine Week, a national initiative to open a dialogue about
9 the importance of open government and freedom of information;
10 and
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12 WHEREAS, the Honolulu Community-Media Council and the
13 Society of Professional Journalists, Hawai'i Chapter, as well as
14 several other open government groups, are conducting a project
15 to scan judicial financial disclosure reports and to post them
16 on the Internet; and
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18 WHEREAS, the estimated costs for copying the financial
19 disclosure reports for all state judges and justices would be
20 approximately \$470; and
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22 WHEREAS, judicial financial disclosure reports are required
23 to be filed pursuant to Rule 15 of the Rules of the Supreme
24 Court of the State of Hawaii and Rule 45(e) of the Hawaii Rules
25 of Appellate Procedure sets forth the costs and fees to be
26 collected by the appellate clerk and authorizes the Hawaii
27 Appellate Court and any judge or justice thereof to waive costs
28 and fees for good cause shown; and
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30 WHEREAS, by Order of the Chief Justice dated March 13,
31 2009, the request by the Honolulu Community-Media Council and
32 the Society of Professional Journalists, Hawai'i Chapter, for a



1 waiver of the fees for copying was denied on the basis of
2 failure to state good cause for the waiver; and

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4 WHEREAS, the Honolulu Community-Media Council and the
5 Society of Professional Journalists, Hawaii chapter based their
6 request for a waiver of charges on section 92F-42(13), Hawaii
7 Revised Statutes, which provides for a waiver of fees if the
8 public interest would be served; and

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10 WHEREAS, in addition, section 2-71-32, Hawaii
11 Administrative Rules, allows a waiver of fees if:

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- 13 (1) The requested record pertains to the operations or
14 activities of an agency;
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 - 16 (2) The record is not readily available in the public
17 domain; and
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 - 19 (3) The requester has the primary intention and the actual
20 ability to widely disseminate information from the
21 government record to the public at large; and
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23 WHEREAS, the public interest in accessing information about
24 judges' financial disclosures would increase trust among the
25 citizenry regarding possible conflict of interest concerns;
26 now, therefore,

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28 BE IT RESOLVED by the Senate of the Twenty-fifth
29 Legislature of the State of Hawaii, Regular Session of 2009, the
30 House of Representatives concurring, that public access to the
31 judges' and justices' redacted financial disclosures, as
32 requested by the Honolulu Community-Media Council and the
33 Society of Professional Journalists, Hawaii chapter, is of
34 sufficient public interest to warrant a waiver of fees; and

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36 BE IT FURTHER RESOLVED that the requirements for granting a
37 waiver under the aforementioned section 2-71-32, Hawaii
38 Administrative Rules, are satisfied by the foregoing request for
39 judges' and justices' redacted financial disclosures to the
40 Judiciary; and

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42 BE IT FURTHER RESOLVED that the Judiciary is requested to
43 waive the fees for copying judges' and justices' redacted
44 Financial Disclosure Statements, as requested by the Honolulu



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1 Community-Media Council and the Society of Professional
 2 Journalists, Hawai'i Chapter, for purposes of posting the same on
 3 the Internet to serve the public interest; and
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5 BE IT FURTHER RESOLVED that certified copies of this
 6 Concurrent Resolution be transmitted to the Chief Justice of the
 7 Hawaii Supreme Court, President of the Honolulu Community-Media
 8 Council, and President of the Society of Professional
 9 Journalists, Hawai'i Chapter.

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OFFERED BY:

[Handwritten signatures and names:]

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