

JAN 22 2015

A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In *Molfino v. Yuen*, Civ. No. 07-1-0378, 2014
2 (Haw. Sup. Ct. Nov. 13, 2014), the supreme court of the state of
3 Hawaii upheld a circuit court ruling that, absent a statutory
4 requirement, a government agency does not have a duty of
5 reasonable care with respect to maintaining government records
6 for the purpose of public inspection. The purpose of this Act
7 is to amend chapter 92F, Hawaii Revised Statutes, to create a
8 statutory requirement that government agencies exercise
9 reasonable care in maintaining those government records open to
10 public inspection.

11 SECTION 2. Section 92F-18, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 " (a) Each agency shall:

14 (1) Exercise reasonable care in the maintenance of all
15 government records under its control that are required
16 by this chapter to be available for public inspection;



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1 [~~(1)~~] (2) Issue instructions and guidelines necessary to
2 effectuate this chapter; and
3 [~~(2)~~] (3) Take steps to assure that all its employees and
4 officers responsible for the collection, maintenance,
5 use, and dissemination of government records are
6 informed of the requirements of this chapter."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:

~~Sen. Keith~~
J. Kalani Ghosh
[Signature]
[Signature]



S.B. NO. 140

Report Title:

Government Records; Maintenance; Duty to Exercise Reasonable Care; Public Inspection

Description:

Requires agencies to exercise reasonable care in the maintenance of all government records under its control that are required to be made available for public inspection.

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