
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;



H.B. NO. 786

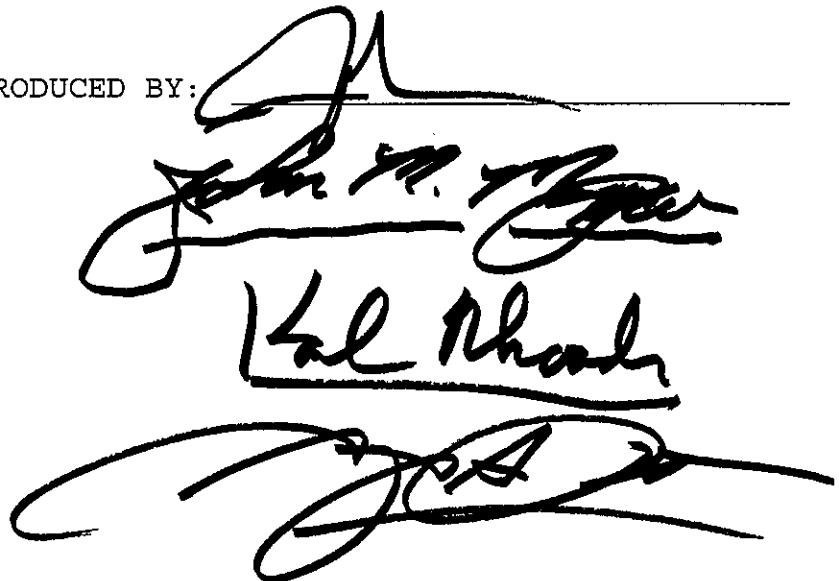
1 [~~1~~] (2) Issue instructions and guidelines necessary to
2 effectuate this chapter; and
3 [~~2~~] (3) Take steps to assure that all its employees and
4 officers responsible for the collection, maintenance,
5 use, and dissemination of government records are
6 informed of the requirements of this chapter."

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 Statutory material to be repealed is bracketed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.

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INTRODUCED BY:

Three handwritten signatures in black ink. The top signature is the most prominent and appears to be 'John M. [unclear]'. Below it is a signature that looks like 'Kal Rhoads'. The bottom signature is very stylized and partially overlaps the one above.

JAN 26 2015



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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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

