



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 12, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB3252 SD2 HD2 CD1, without my approval and with the statement of objections relating to the measure.

SB3252 SD2 HD2 CD1

RELATING TO PUBLIC RECORDS.

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 12, 2022

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3252

Honorable Members
Thirty-First Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 3252, entitled "A Bill for an Act Relating to Public Records."

The purpose of this bill is to impose a cap on the costs charged for copying certain government records; waive duplication costs for requesters seeking government records in electronic format; and set a cap on search, review, and segregation fees, which are to be set forth through administrative rules adopted by the Office of Information Practices (OIP), with a waiver of search, review, and segregation fees for requests for government records when the public interest is served by the disclosure of the record(s).

This bill is objectionable because it will have a significant adverse impact upon government agency operations. The full waiver of search, review and segregation fees for virtually all records requests acts as a disincentive for records requesters to narrow the scope of their requests, thus resulting in the consequential increase in overbroad requests. Agencies, the majority of whom do not have dedicated personnel responding to records requests, will be vulnerable to UIPA lawsuits, which will increase costs to government agencies through awards of attorneys' fees and costs to plaintiffs filing those lawsuits. As a result, agencies may be forced to prioritize responding to records requests over the agencies' primary functions. Eleven government agencies testified with concerns or in opposition to this bill due to the adverse effects of the waiver of search/review and segregation fees upon agencies .

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For the foregoing reasons, I am returning Senate Bill No. 3252 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a prominent flourish at the end.

DAVID Y. IGE
Governor of Hawai'i