



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Judiciary and Labor  
April 4, 2017 at 9:45 a.m.

By  
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HB 1518 HD1 SD1 – RELATING TO PUBLIC RECORDS

Chair Keith-Agaran, Vice-Chair Rhoads, and Committee Members:

Thank you for the opportunity to submit testimony **in support** of this measure **with the amendment referenced herein**.

The University of Hawai'i ("University") supports this bill, but respectfully requests that this committee delete the requirement that the declaratory action be initiated in the "circuit court of the circuit in which the records requester resides[.]" The University requests that the declaratory action be filed in the circuit in which the agency is situated.

The University receives requests from requesters who reside in other states. The current draft arguably requires the agency to subject itself to the laws and jurisdiction of another state. In addition, if the requester is from another county, it places an undue burden and cost upon the agency to litigate the civil action in another circuit. This burden and cost may exceed the cost of producing records for an otherwise manifestly excessive request.

We believe that with the deletion of the referenced language above, this bill will effectively balance the public's right to government records and the government's interest in efficiently allocating its resources and personnel.