

LATE TESTIMONY

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

JODIE JAESAKA-HIRATA
DIRECTOR

MARTHA TORNEY
Deputy Director
Administration

Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 62 RELATING TO GOVERNMENT RECORDS

by

Jodie Maesaka-Hirata, Interim Director
Department of Public Safety

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Tuesday, February 15, 2011; 9:30 AM
State Capitol, Conference Room 016

Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

The Department of Public Safety (PSD) strongly opposes Senate Bill 62, which amends the maximum amount that can be charged for the duplication of records to ten cents. PSD opposes this measure because ten cents does not cover the cost of duplication of records by the department. The amount charged is supposed to cover the costs of the actual reproduction of the record, including the cost of the paper, the cost of the copying machine rental, the electricity, the cost for staff to copy the record, and because the funds go back to the general fund, the cost of the processing and transmitting the funds to Budget and Finance. Given the hourly wage of a lower level clerical employee to prepare, copy, and return the original record to its proper place, then the cost of the fiscal office employees to transmit the fees to the Budget and Finance Office, the staff time exceeds ten cents a copy before the actual reproduction

costs are computed.

In addition to the costs exceeding the amount proposed, by setting a maximum amount of ten cents for duplication of records in statute, there is no adjustment for inflation without going through the legislative process to amend the law. This would only set up repeated legislative initiatives based on the status of the economy. If this measure is passed, given the current cost of duplication, as well as the current economic situation, the required duplication of records by PSD and other state agencies would create a deficit that would draw fiscal resources from other core elements of the departments.

Based on the foregoing reasons, PSD strongly opposes this measure due to its negative impact on the department's budget.

Thank you for the opportunity to provide testimony on this measure.

NEIL ABERCROMBIE
GOVERNOR



BRUCE A. COPPA
COMPTROLLER

RYAN T. OKAHARA
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
BRUCE A. COPPA, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE
ON
JUDICIARY AND LABOR
ON
FEBRUARY 14, 2011

S.B. 62

RELATING TO GOVERNMENT RECORDS

Chair Hee, and members of the Committee, thank you for the opportunity to present written testimony on S.B. 62.

The Department of Accounting and General Services (DAGS) recommends that this bill be held.

Fees for reproducing government records are set in accordance with rules adopted by the agency having control of the records and are determined by the cost of labor to search and reproduce records, material costs, equipment costs, including rental/maintenance costs, and other related costs. Just the equipment and material costs exceed 10 cents per page and the cost of wide format (up to 36 inches wide) copies is significantly higher.

Fees for the reproduction of records in the State Archives are governed by Hawaii Administrative Rules (HAR) §3-20-9, Fees for Services, which sets fees at 25 cents per

page for records measuring less than 8-1/2 x 14", and 5 dollars a page for records over 8-1/2 x 14".

The Land Survey Division reproduction fees are governed by HAR §3-40-6, Fees for Maps and Services. The Land Survey Division currently charges \$1 per page for copies using the Xerox copier, and \$6 for the first square foot plus 15 cents per additional square foot for copies using the wide format Xerox copier.

DAGS believes that these fees are necessary to recover a portion of the actual costs to reproduce documents. Since a process already exists within the Office of Information Practices, Hawaii Administrative Rules (HAR §2-71) for the public to make both informal and formal requests for records, and time limits delineated for agencies to respond to these requests, the changes proposed to section 92F-11, Hawaii Revised Statutes seem unnecessary.

Thank you for the opportunity to present written testimony on this matter.

PETER B. CARLISLE
MAYOR



MICHAEL R. HANSEN
ACTING DIRECTOR

February 14, 2011

The Honorable Clayton Hee, Chair
and Members of the Committee on Judiciary and Labor
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: Senate Bill 62, Relating to Government Records

The City & County of Honolulu ("the City") opposes Senate Bill 62 which proposes to decrease the copying charges to 10 cents a page or less for reproducing any government record. Similar to other government entities, the City has been working hard to provide as much data via the Internet as possible. The City view availability via the Internet as a positive step in that it provides the public access to a great deal of information while reducing costs and reducing personnel needs.

The City estimates that the labor cost to provide a copy of a single document, assuming that the document can be retrieved and copied within one minute to be about \$0.36 per minute and the cost of the materials and supplies to be about \$0.05 per page for a total cost per page of at least \$0.41 per page. This would be the minimum cost to duplicate and reproduce a single record. Most searches require much more time than the one minute used in this calculation example. The foregoing computation also assumes that the duplicated document is of a standard size. The cost to duplicate larger media documents such as maps and blueprints cost substantially more that SB 62 does not factor into its language.

The City has also been looking to user fees to relieve our government's reliance on real property taxes as a means of balancing the budget. Restricting our ability to utilize user fees goes counter to the City's progress towards this end. If reproduction rates are capped at an unrealistically low level, there is the likelihood that the public will choose to have records duplicated at government expense despite the same records being available to them via the Internet. While both the State and the counties struggle with their budget challenges, reducing these rates in the face of current budget crisis is unwarranted and unsupportable in today's financial environment.

The Honorable Clayton Hee, Chair
and Members of the Committee on Judiciary and Labor
Senate Bill 62, Relating to Government Records
Page 2

We believe that the current cost structure for providing government records is fair and equitable.
For these reasons, we stand opposed to SB 62.

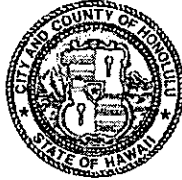
Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Hansen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael R. Hansen, Acting Director
Budget & Fiscal Services

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT I. TATSUYAMA
RANDAL K. MACADANGAAN
DEPUTY CHIEFS

OUR REFERENCE KK-DNK

February 15, 2011

The Honorable Senator Clayton Hee, Chair
and Members
Committee on Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: Senate Bill No. 62, Relating to Government Records

I am Kurt Kendro, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 62. This bill proposes to lower fees for copies of most government records than what is currently administered.

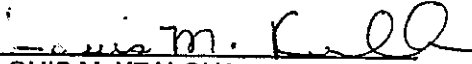
Pursuant to the Honolulu Revised Ordinances (RO), Chapter 6, Article 11, Section 6-11.1, a fee schedule has already been established. This bill would place a maximum \$0.10 cost per page versus the \$0.50 for the first page and \$0.25 for each additional page that is allowed in the RO. In 2010, the HPD reproduced 602,000 pages of reports. This reduction in fees would not cover the costs involved to continue this service.


In 2010, the HPD received over 30,000 requests for copies of police reports. This bill offers no guidance as to how long requests would have to be retained and subject to disclosure even if requests are denied. As such, the HPD would need to develop a new records management system to keep track of these requests.

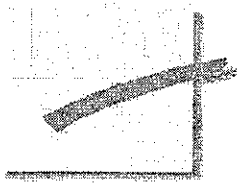
Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


KURT B. KENDRO, Major
Records and Identification Division



THE LEAGUE OF WOMEN VOTERS OF HAWAII

LATE TESTIMONY

TESTIMONY ON SB 62 RELATING TO GOVERNMENT RECORDS

Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Date: Tuesday, February 15, 2011
Time: 9:30 a.m.
Place: Conference Room 016

Testifier: Jean Aoki, LWV Legislative Committee

Chair Hee, Vice Chair Shimabukuro, members of Committee on Judiciary and Labor,

The League of Women Voters of Hawaii strongly supports the intent of SB 62. We do have some reservation on one of the provisions.

We agree that keeping records of requests of government records and not only the disposition of such requests but the reason(s) for denying such requests would certainly encourage compliance with the requirements of the Uniform Information Practices Act. And so would making these records of requests and the disposition of these requests open record.

Will this record of requests also include the names of requesters, or will that be purely voluntary?

We believe that keeping a record of people who make these requests is not the function of government.

Unless 5 cents will not cover the cost of copying a page, we would prefer that both the minimum and the maximum be left in the statute, because otherwise, the 10 cents would be construed to be the minimum as well as the maximum.

Thank you for this opportunity to testify on SB 62.