

SB 62

Testimony

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committee on Judiciary and Labor

From: Cathy L. Takase, Acting Director

Date: February 14, 2011, 9:15 a.m.
State Capitol, Room 016

Re: Testimony on S.B. No. 62
Relating to Government Records

Thank you for the opportunity to submit testimony on S.B. No. 62.

This bill would establish a maximum copy cost per page, and would add a subsection to section 92F-11, HRS, requiring government agencies to keep a written record of every record request it receives. OIP has no position on the copy costs, which are outside the Uniform Information Practices Act (UIPA). However, OIP is concerned that the proposed new UIPA provision would partly duplicate another, existing UIPA provision, and to the extent that the new provision would create new requirements, it could interfere with agencies' ability to provide quick access to clearly public records in response to oral requests.

Agencies are already required by another section of the UIPA to annually report on the number of UIPA requests made in the prior year, and how many of those were denied. Specifically, section 92F-18(b), HRS, provides in part:

(b) Each agency shall compile a public report describing the records it routinely uses or maintains using forms prescribed by the office of information practices. The public reports shall be filed with the office of information practices on or before December 31, 1994. The public reports shall include:

* * * * *

(12) The number of written requests for access within the preceding year, the number denied, the number of lawsuits initiated against the agency under this part, and the number of suits in which access was granted.

The agencies are further required to supplement or amend this report annually to ensure that the information remains accurate and complete.

The proposed new provision would be in a different section of the UIPA, section 92F-11, but would partly duplicate the requirement of 92F-18(b)(12). This duplication is confusing, especially since it would result in similar requirements being placed in two different sections.

To the extent that the new provision would create new duties, OIP is concerned about the impact this requirement would have on agencies that have a very high volume of over-the-counter, oral requests for clearly public records (such as land title records or state leases or records kept in a public reading room) as part of their daily operations. OIP's administrative rules recognize and allow for this sort of oral requests. See section 2-71-11, HAR. Under this bill the agencies would need to record each oral request individually, including a description of the records requested along with the date and the outcome of the request. Although this would be a minor burden for offices that receive only occasional requests, OIP is concerned that the new requirement could impede the efficiency of public access for offices that routinely fill a large number of over-the-counter public record requests.

In summary, OIP has concerns about the potential impact of the proposed addition to section 92F-11 on agencies that routinely fill a high volume of oral requests, and OIP would suggest that any additions to an agency's reporting requirements under the UIPA be placed in the same section as the current reporting requirements, section 92F-18.

Senate Committee on Judiciary
February 14, 2011
Page 3

Thank you for the opportunity to testify.



Committee: Committee on Judiciary and Labor
Hearing Date/Time: Monday, February 14, 2011, 9:15 a.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in Support of S.B. 62, Relating to Government Records

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

The ACLU of Hawaii writes in support of S.B. 62, relating to government records.

Currently, government agencies routinely charge fifty cents a page to access government records. These exorbitant fees contravene the Legislature's intent in passing the Uniform Information Practices Act ("UIPA"), which was to "[p]romote the public interest in disclosure," "[e]nhance governmental accountability through a general policy of access to government records," and "[m]ake government accountable to individuals in the collection, use, and dissemination of information relating to them[.]" Hawaii Revised Statutes ("HRS") § 92F-2. HRS § 92-21, which allows for collection of a "reasonable" fee for photocopies, was intended to allow government agencies to recoup their actual costs for producing government records – not to discourage citizens from obtaining the records to which they are entitled. Unfortunately, the very high cost of obtaining records means that many individuals and organizations are effectively prohibited from procuring records, thus undermining the goal of transparency the Legislature intended in passing UIPA. Fifty cents per page – for photocopying alone – is an outrageous sum, and the ACLU strongly supports the Legislature's efforts to curb these excessive fees.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie Temple
Staff Attorney

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Testimony of
Glenn S. Shiroma

Before Senate Committee on Judiciary and Labor
Public Hearing on Tuesday, February 15, 2011
In Conference Room 016 at 9:30 am

Testimony in Support with Recommendations

SB62 RELATING TO GOVERNMENT RECORDS.

Require that per-page copies of most government records not exceed 10 cents per page; requires government agencies to keep a written record of requests for disclosure of government records.

1. Support the per-page copy of most government records not to exceed 10 cents per page, but suggest include the scanning of government records which are not in electronic format.
2. Request the inclusion of the SB623 RELATING TO INFORMATION PRACTICES, Office of Information Practices: Authority to Assess Fines. Authorizes the office of information practices to fine any agency that does not comply with a decision; requires the office to adopt rules that set uniform standards for issuing fines.

Pursuant to HRS Chapter 92F, Uniform Information Practices Act (UIPA), the Department of Land & Natural Resources, Division of Boating & Ocean Recreation (Agency) engaged in obstruction in releasing the requested documents from February 24, 2010 to February 7, 2011.

As of this date, February 14, 2011, the Agency has NOT complied with UIPA in releasing all the correct requested documents.

Please review Exhibit A which shows a small portion of the correspondence as of this date.

Thank you this opportunity to provide testimony.

Subject: Request For Records, Vessel "Linda"

From: "Glenn S. Shiroma" <glennshiroma@hawaiiintel.net>

Date: Wed, 24 Feb 2010 08:03:40 -1000

To: "Nancy Murphy-Thuet \ (DoBOR-Hawaii)" <nancy.e.murphy@hawaii.gov>

CC: "Donna Kalama \ (Deputy AG Land/Transportation)" <donna.h.kalama@hawaii.gov>, "Marc Miranda \ (Gov Liaison)" <marc.miranda@hawaii.gov>, "Cory Fujioka \ (DoBOR Hawaii District Harbor Agent)" <dlnr.bd.wailoaharbor@hawaii.gov>, "Dawn Shimabukuro \ (OIP Legal Assistant)" <Dawn.M.Shimabukuro@hawaii.gov>, "Office of Information Practices" <oip@hawaii.gov>, "Charen L Ching \ (Gov Liaison)" <Charen.Ching@hawaii.gov>, "Dan Mersburgh \ (DoBOR Hawaii Harbor Agent)" <daniel.k.mersburgh@hawaii.gov>, "Patrick Ryan \ (DoBOR Hawaii Harbor Agent)" <patrick.w.ryan@hawaii.gov>, "William Nahale \ (DoBOR Hawaii Harbor Agent)" <dlnr.bd.honokohauharbor@hawaii.gov>, "Ed Underwood \ (DoBOR-Adm)" <ed.r.underwood@hawaii.gov>, "Kevin Yim \ (DoBOR-Adm)" <kevin.h.yim@hawaii.gov>, "Russell T suji \ (DLNR 1st Deputy)" <Russell.Y.T.suji@hawaii.gov>, "Joy Watari \ (Gov Adm)" <joy.watari@hawaii.gov>

Aloha Nancy..

I hereby request to inspect the records concerning the vessel "Linda" with US Coast Guard number 632393 that DoBOR Hawaii District has in its' custody.

- a. All documents involved with the impoundment.
- b. All documents involved with the appraisal of the vessel.
- c. All documents involved with the purchase order to dispose of the vessel.
- d. All documents involved in public notice to dispose of the vessel.
- e. All documents as required by HRS 200-16, and 200-45 to dispose of the vessel.
- f. All documents involved with the US Coast Guard to transfer the ownership of the vessel.
- g. All documents involved with the transfer of ownership to the new owner,

Please be advised, that the following:

a. Ed Underwood, DoBOR Administrator stated the following at the Board of Land and Natural Resources meeting on August 14, 2009:

"Member Pacheco asked whether there is a way for the public to review the special funds accounting to see where the monies are coming from and where's going. **Mr. Underwood said absolutely, staff provided those in submittal, Exhibit B and DoBOR's books are completely open to look at.**"

b. The Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statutes ("UIPA"), is Hawaii's public records law. Under UIPA Section 92F-13, it's my understanding and agreement to have all documents that are deem confidential to be removed from the documents requested for inspection.

UIPA provides for ten business day to make available the above requested records for inspection.

Please have Cory Fujioka, DoBOR Hawaii District, Hilo Harbor Agent notify me when the above requested documents will be available for inspection at the DoBOR Hilo Office, during regular business hours.

If there are any questions, please do not hesitate to contact me.

Glenn S. Shiroma
Recreational Fisherman
Wailoa Small Boat Harbor, Hilo
glennshiroma@hawaiiintel.net

Exhibit A

LAURA H. THIELEN
CHAIRPERSON

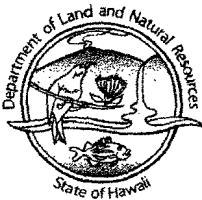
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

EDWARD R. UNDERWOOD
ADMINISTRATOR
DIVISION OF BOATING AND OCEAN RECREATION

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION

333 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813

April 1, 2010

BOR-A 0129.10

Ms. Jennifer Z. Brooks
Staff Attorney
Office of Information Practices
Office of the Lieutenant Governor
No. 1 Capitol District Bldg.
250 South Hotel Street; Rm. 107
Honolulu, HI 96813

Dear Ms. Brooks,

Re: Appeal from Denial of Access to General Records (APPEAL 10-25)

The Division of Boating and Ocean Recreation concurs with the decision of the Office of Information Practices.

The records pertaining to the vessel "Linda" are kept in the Hawaii District Office in Kona. This is consistent with the division practice of maintaining all such records at the district office. Records that are being completed may be kept at the site of the incident so that staff may work on them. Once the records are completed, they are kept in the district office.

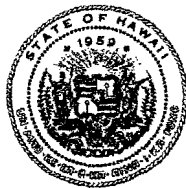
In this case, the case file was being completed at the time of the death of harbor agent Glenn Mayeda. Mr. Mayeda was tasked with properly documenting the impound process. He was on sick leave from October 2008 until his death in February 2009 and the division was not able to fill the vacated position until December 2009. Subsequently, Ms. Murphy-Theut had the Hilo staff locate the file in early March 2010 and moved it to the district office in Kona. She reviewed the case file and completed the record of the impoundment.

While we understand Mr. Shiroma's concern, all completed case files are kept in the Kona office and he is welcome to review the file there.

If you have any questions, please do not hesitate to contact me at 587-1979.

Sincerely,


Kevin H.K. Yim
Boating Staff Officer



LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
Telephone: (808) 586-1400 FAX: (808) 586-1412
E-MAIL: oip@hawaii.gov
www.hawaii.gov/oip

CATHY L. TAKASE
ACTING DIRECTOR

June 23, 2010

VIA EMAIL

Ms. Nancy Murphy-Thuet
District Manager
Hawaii District Branch
Small Boat Harbors
Department of Land and Natural Resources

Re: Request from Glenn Shiroma

Dear Ms. Murphy-Thuet:

The Office of Information Practices (OIP) has received a request for assistance from Mr. Glenn Shiroma concerning a payment he has indicated he made for requested records. Mr. Shiroma has indicated that he was instructed to make such payment, but has not received the records and is now being asked to make his request in writing.

Prior to our opening of a file on this matter, we would like to understand what transpired. The email Mr. Shiroma provided to us that was sent by you appears to indicate that he will be given certain records upon payment, and the receipt appears to be the required payment. We have enclosed a copy of the emails and attachments Mr. Shiroma sent to us that concern this request.

Thank you for your assistance with this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cathy L. Takase".

Cathy L. Takase
Acting Director

CLT:dms

cc: Mr. Glenn Shiroma (via email without attachments)

NOTICE TO REQUESTER

Exhibit A

(Use multiple forms if necessary)

TO: Glenn S. Shiroma
FROM: Department of Land and Natural Resources, Nancy Murphy (808) 327-3690
(Agency/name & telephone number of contact person at agency)

DATE REQUEST RECEIVED: January 24, 2011
DATE OF THIS NOTICE: February 7, 2011

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

1. 1. Government records that apply to USCG # 632393 aka "Linda":
 - a. Notice to Vacate & Impound.
 - b. Appraisal #1 (Front page & Appraised Value page)
 - c. Appraisal #2 (Front page & Appraised Value page)
 - d. Appraisal #3 (Front page & Appraised Value page)
 - e. Bids to Dispose
 - f. Requisition
 - g. Public Notice to Dispose
 - h. Authorization to Dispose
 - i. Invoice after Dispose [sic]
 - j. Correspondents [sic] to US Coast Guard Vessel Documentation Center
2. HA-3213-H aka "El Lobo" Home Builder's Statement of Vessel Origin
3. DOBOR Operational and/or Procedure Policy Handbook

NOTICE IS PROVIDED TO YOU THAT YOUR REQUEST:

- Will be granted in its entirety.
- Cannot be granted because
- Agency does not maintain the records. Agency believed to maintain records: _____
 - Agency needs a further description or clarification of the records requested. Please contact the agency and provide the following information: _____
 - Request requires agency to create a summary or compilation from records not readily retrievable.
- Is denied in its entirety Will be granted only as to certain parts
based upon the following exemption provided in HRS § 92F-13 and/or § 92F-22 and other laws cited below
(portions of records that agency will not disclose should be described in general terms).

RECORDS OR
INFORMATION WITHHELD

APPLICABLE
STATUTES

AGENCY
JUSTIFICATION

Residential addresses, phone numbers, other personal information

HRS 92F-13 (1)

Government records which, if disclosed, would constitute a clearly unwarranted invasion of privacy

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

METHOD & TIMING OF DISCLOSURE:

Exhibit A

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days of this notice or after receipt of any prepayment required. If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- Inspection at the following location: _____.
- As requested, a copy of the record(s) will be provided in the following manner:
 - Available for pick-up at the following location: _____.
 - Will be mailed to you.
 - Will be transmitted to you by other means requested: by e-mail.

Timing of Disclosure: All records, or first increment where applicable, will be made available or provided to you:

- On _____.
- After prepayment of fees and costs of \$ 5.50 (50% of fees +100% of costs, as estimated below).
Payment may be made by cash or: personal check other _____.

Checks can be made out to DLNR Boating and sent to Clifford Inn, DLNR/DOBOR, 333 Queen Street, Ste. 300, Honolulu, HI 96813.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- The prior increment (if one prepayment of fees is required and received).
- Receipt of each incremental prepayment required.

Disclosure is being made in increments because the records are voluminous and the following extenuating circumstances exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS:

The agency is authorized to charge you certain fees and costs to process your request (even if no record is subsequently found to exist), but must waive the first \$30 in fees assessed for general requesters and the first \$60 in fees when the agency finds that the request made is in the public interest. See HAR §§ 2-71-19, -31 and -32. The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. The following is the estimate of the fees and costs that the agency will charge you, with the applicable waiver amount deducted:

Fees: Search	Estimate of time to be spent: <u>1.25 hours</u> (\$2.50 for each 15-minute period)	\$ <u>12.50</u>
Review & segregation	Estimate of time to be spent: <u>1 hour</u> (\$5.00 for each 15-minute period)	\$ <u>10.00</u>
Fees waived	<input checked="" type="checkbox"/> general (\$30) <input type="checkbox"/> public interest (\$60)	<\$ <u>30</u> >
Other	_____	\$ _____
	(Pursuant to HAR § 2-7-31(B))	

METHOD & TIMING OF DISCLOSURE:

Exhibit A

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Other	_____	\$ _____
	(Pursuant to HAR § 2-7-31(B))	

This transmission is being sent per your OIP/UIPA request on 1/24/2011 and per OIP NTR 012411_shiroma_020711.pdf via e-mail.

REQUEST FOR DOCUMENTS RELATING TO: USCG#: 632393 aka "LINDA"

DOCUMENT INVENTORY

- Notice to Vacate & Impound (redacted) = 1 page
- Appraisal #1 - Dennis Smith (Front page & Appraised Value page) = 2 pages
- Appraisal #2 - Ronald Baptista (Front page & Appraised Value page) = 2 pages
- Appraisal #3 - Dennis Curtis (Front/Appraised Value page) = 1 page
- Bids to Dispose (not required) = 0 pages
- Public Notice to Dispose = 1 page
- Requisition = 1 page
- Authorization to Dispose (HRS CHAPTERS 200-42 through 200-49) = 3 pages
- Invoice after Dispose [sic] = 1 page
- Correspondents [sic] to US Coast Guard Vessel Documentation Center = 3 pages

PROCUREMENT RULES REQUIRES FOR THIS \$
WRONG DOCUMENT
WRONG DOCUMENT

REQUEST FOR DOCUMENTS RELATING TO: HA3213H aka "El Lobo"
Home Builder's Statement of Vessel Origin

No statement of vessel origin is filed for HA-3213H.

DOCUMENT REQUIRED TO REGISTER "HOME BUILT VESSEL"

REQUEST FOR DOCUMENTS RELATING TO: DOBOR Operational and/or Procedure Policy Handbook

The document you requested does not exist.

KEVIN YIM, DOBOR BOATING STAFF OFFICER LETTER DATED APRIL 1, 2010 "DOES NOT EXIST"

PAYMENT

A total of 11 documents needed to be prepared and scanned for transmittal in response to this request. Total cost after first \$30 in fees waived for general requesters came to \$5.50. You have a positive balance of \$3.00.

For all future OIP/UIPA requests, payments for copies will not be accepted until DLNR/DOBOR issues a Notice to Requester that lists the documents available.

Subject: Fwd: additional questions (Vessel Linda)
From: "Glenn S. Shiroma" <gshiromahi@hotmail.com>
Date: Tue, 08 Feb 2011 22:52:53 -1000
To: "Clifford Inn (DoBOR Education & Safety Officer)" <Clifford.G.Inn@hawaii.gov>
CC: "Ed Underwood (DoBOR Administrator)" <ed.r.underwood@hawaii.gov>, "Kevin Yim (DoBOR Boating Staff Officer)" <kevin.h.yim@hawaii.gov>, "William Aila, Jr. (INTERIM DLNR Director & BLNR Chairperson)" <william.j.aila@hawaii.gov>, "Guy Kaulukukui (DLNR 1st Deputy)" <guy.kaulukukui@hawaii.gov>, "Susan Richey (DLNR Director Secretary)" <Susan.n.richey@hawaii.gov>

This is part of the formal request as repeatedly stated,

Aloha Division of Boating & Ocean Recreation (Agency), ATTENTION Ed Underwood, Kevin Yim, and Cliff Inn.

What are the specified dollar about where multiple bids are required under procurement rules/policies?

Ed Underwood letter dated April 27, 2007 is not DoBOR Public Notice to Dispose. If DoBOR Public Notice to Dispose does not exist, then a written statement should state this fact.

**SUBJECT: NOTICE OF VESSEL IMPOUNDMENT,
EXPIRED VESSEL USCG DOCUMENTATION NO. 632393,
NOTICE OF RIGHT TO ADMINISTRATIVE HEARING**

In order to register the HA3213H aka El Lobo, the vessel owner needed to submit the Home Builder's Statement.

REQUEST FOR DOCUMENTS RELATING TO: HA3213H aka "El Lobo"
Home Builder's Statement of Vessel Origin
No statement of vessel origin is filed for HA-3213H.

Requesting a copy of the individual that authorize the Glenn Mayeda, DoBOR Hilo Harbor Agent request Requisition and Purchase Order #00294532 to Lobo Del Mar NOT the HRS as provided.

Authorization to Dispose (HRS CHAPTERS 200-42 through 200-49) = 3 pages

DoBOR failed to issue the Notice to Requester on three previous, therefore, payment paid to DoBOR was valid on January 24, 2011.

Failure to reply to the above outstanding questions will be deem as denial to UIPA request for documents.

----- Original Message -----

Subject: additional questions
Date: Tue, 8 Feb 2011 18:05:47 -1000
From: Clifford.G.Inn@hawaii.gov
To: Glenn S. Shiroma <gshiromahi@hotmail.com>

Responses:

1. Where the the NTR..?

Transmitted yesterday.

2. Why no bids to dispose of vessel Linda..?

Bids not required under a specified dollar amount.

3. Where is the public notice to dispose of the vessel Linda..?

The attached notice was all that was found in the file.

Additional questions about this vessel should be submitted in a formal request.

Total Estimated Fees:

\$ 0

Exhibit A

Costs: Copying

Estimate of # of pages to be copied: 11
(@ \$.50 per page.)

\$ 5.50

Other

\$ _____

Total Estimated Costs:

\$ 5.50

For questions about this notice, please contact the person named above. Questions regarding compliance with the UIPA may be directed to the Office of Information Practices at 808-586-1400 or oip@hawaii.gov.

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Date: Tue, 08 Feb 2011 22:52:53 -1000
To: "Clifford Inn (DoBOR Education & Safety Officer)" <Clifford.G.Inn@hawaii.gov>
CC: "Ed Underwood (DoBOR Administrator)" <ed.r.underwood@hawaii.gov>, "Kevin Yim (DoBOR Boating Staff Officer)" <kevin.h.yim@hawaii.gov>, "William Aila, Jr. (INTERIM DLNR Director & BLNR Chairperson)" <william.j.aila@hawaii.gov>, "Guy Kaulukukui (DLNR 1st Deputy)" <guy.kaulukukui@hawaii.gov>, "Susan Richey (DLNR Director Secretary)" <Susan.n.richey@hawaii.gov>

This is part of the formal request as repeatedly stated,

Aloha Division of Boating & Ocean Recreation (Agency), ATTENTION Ed Underwood, Kevin Yim, and Cliff Inn.

What are the specified dollar about where multiple bids are required under procurement rules/policies?

Ed Underwood letter dated April 27, 2007 is not DoBOR Public Notice to Dispose. If DoBOR Public Notice to Dispose does not exist, then a written statement should state this fact.

**SUBJECT: NOTICE OF VESSEL IMPOUNDMENT,
EXPIRED VESSEL USCG DOCUMENTATION NO. 632393,
NOTICE OF RIGHT TO ADMINISTRATIVE HEARING**

In order to register the HA3213H aka El Lobo, the vessel owner needed to submit the Home Builder's Statement.

REQUEST FOR DOCUMENTS RELATING TO: HA3213H aka "El Lobo"
Home Builder's Statement of Vessel Origin
No statement of vessel origin is filed for HA-3213H.

Requesting a copy of the individual that authorize the Glenn Mayeda, DoBOR Hilo Harbor Agent request Requisition and Purchase Order #00294532 to Lobo Del Mar NOT the HRS as provided.

Authorization to Dispose (HRS CHAPTERS 200-42 through 200-49) = 3 pages

DoBOR failed to issue the Notice to Requester on three previous, therefore, payment paid to DoBOR was valid on January 24, 2011.

Failure to reply to the above outstanding questions will be deem as denial to UIPA request for documents.

----- Original Message -----

Subject: additional questions
Date: Tue, 8 Feb 2011 18:05:47 -1000
From: Clifford.G.Inn@hawaii.gov
To: Glenn S. Shiroma <gshiromahi@hotmail.com>

Responses:

1. Where the the NTR..?

Transmitted yesterday.

2. Why no bids to dispose of vessel Linda..?

Bids not required under a specified dollar amount.

3. Where is the public notice to dispose of the vessel Linda..?

The attached notice was all that was found in the file.

Additional questions about this vessel should be submitted in a formal request.

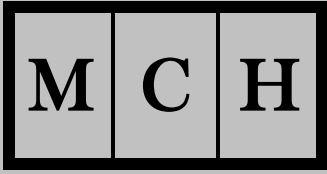
From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: robin@angelgroup.org
Subject: Testimony for SB62 on 2/14/2011 9:15:00 AM
Date: Monday, February 14, 2011 3:54:48 AM

Testimony for JDL 2/14/2011 9:15:00 AM SB62

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Robin
Organization: AngelGroup
Address:
Phone:
E-mail: robin@angelgroup.org
Submitted on: 2/14/2011

Comments:
Support for SB62

At present, many family court clients, and those seeking remedy or clarification via OIP requests are unnecessarily burdened with overpriced copy fees. There is no consideration given for indigent requesters. This measure will assist greatly since taxpayers are already paying 10s of thousands of dollars for the copy machines leased by the Judiciary.



Media Council of Hawai'i *Since 1970*

February 8, 2011

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Lucy Witeck

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U Win Tin

To: Senator Clayton Hee, Chair, Senator Maile S.L. Shimabukuro, Vice Chair, and Members of the Committee on Judiciary and Labor

Re: Testimony **IN SUPPORT** of **SB 62** – Relating to Government Records
Hearing date: Monday February 14, 9:15 AM, Conference Room 016.

As president of the Media Council Hawaii, I offer testimony in support of SB 62.

The notion that democracy dies behind closed doors, is often paid lip service, but in reality much of government lacks transparency and is conducted in secret.

If obtaining government records is so costly as to place an unreasonable burden on the public, open records laws are meaningless. SB 62 would place a ceiling on cost per page for copying government records and this ceiling is welcome. However, the measure should also restate that indigent persons and those requesting information in the public interest should not be charged at all.

Further, the requirement that government agencies be required to keep a record of requests for disclosure of government records will further goals of accountability with regard to performance under open records law and regulations.

I urge your favorable action on SB 62. Thank you.

Aloha,

Chris Conybeare, President
Media Council Hawaii

TO: Members of the Committee on Judiciary and Labor

FROM: Natalie Iwasa
Honolulu, HI 96825
808-395-3233

HEARING: 9:30 a.m. Tuesday, February 15, 2011

SUBJECT: SB62 Government Records Copy Costs - **SUPPORT**

Aloha Chair Hee, Vice Chair Shimabukuro and Senators,

Thank you for allowing me to provide testimony in support of SB 62 which places a maximum cost of 10 cents per copy of government record requested. I fully support this change.

During 2009 and 2010, I made about a dozen requests to several departments of the city and county of Honolulu relating to the street lighting projects planned for Hawaii Kai. I made numerous follow up requests because information provided under initial requests was incomplete. The Department of Budget and Fiscal Services charged me 25 cents per copy for one request, and even though I had the \$60 waiver for public disclosure, my out-of-pocket costs were \$55.75. I felt the department charged me the higher, unreasonable-per-copy fee because I had been asking for documents regarding the lighting issue for several months, and a higher fee might be a way for the city to deter my requests. I therefore support the 10 cents per copy fee, which is a reasonable charge.

I would also like to ask the committee to consider ways in which government agencies can be penalized for noncompliance with the timeliness of disclosure requirements. It took well over one year to receive information regarding one document that was not only formally requested by me several times but also verbally by the Hawaii Kai Neighborhood Board on several occasions. The law requires a 10-business day response to requests, but the only mechanism to compel compliance is a lawsuit. The public deserves to have requests answered in a timely manner, and when government officials hinder the release of information, they should be held accountable.