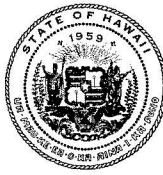


LINDA LINGLE  
GOVERNOR



RUSS K. SAITO  
Comptroller

SANDRA L. YAHIRO  
Deputy Comptroller

**STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES**

P.O. BOX 119  
HONOLULU, HAWAII 96810-0119

TESTIMONY  
OF  
RUSS K. SAITO, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
HOUSE COMMITTEE  
ON  
FINANCE  
ON  
FEBRUARY 10, 2010

H.B. 2231

RELATING TO GOVERNMENT RECORDS

Chair Oshiro, and members of the Committee, thank you for the opportunity to testify on H.B. 2231.

The Department of Accounting and General Services (DAGS) recommends that this bill be held. This bill sets a maximum fee for reproducing a government record at not more than ten cents per page, sheet, or fraction thereof.

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), Title 3, Chapter 20, Rules Governing the Public Use of the State Archives and Records Center and Schedule of Fees for Special Services. The State Archives currently charges 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".

Fees for the reproduction of records in the Land Survey Division are governed by HAR, Title 3, Chapter 40, Rules Governing the Public Use of the Land Survey Division Maps, Descriptions and Records and Schedule of Fees for Services, Maps and Other Record Data. 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.

Thank you for the opportunity to testify on this matter.

**Date:** 02/10/2010

**Committee:** House Finance

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Interim Superintendent

**Title of Bill:** HB 2231 RELATING TO GOVERNMENT RECORDS.

**Purpose of Bill:** Clarifies cost of reproducing government records from not less than five cents per page to not more than ten cents per page.

**Department's Position:** The Department of Education (Department) opposes HB 2231, which clarifies the cost of reproducing government records from not less than five cents per page to not more than ten cents per page. The Department does not support setting a maximum limit of ten cents per page to reproduce government records.

The amount of ten cents per page may not cover the cost of the reproduction depending on the nature of the copies, e.g., color or black/white copies, or use and maintenance of the equipment. Other cost factors include resources used, e.g., paper, ink, labor, or time.

The Department proposes to leave the existing language in the law.

LINDA LINGLE  
GOVERNOR



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

CLAYTON A. FRANK  
DIRECTOR

DAVID F. FESTERLING  
Deputy Director  
Administration

TOMMY JOHNSON  
Deputy Director  
Corrections

JAMES L. PROPOTNICK  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 2231  
RELATING TO GOVERNMENT RECORDS  
by  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Finance  
Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair

Wednesday, February 10, 2010; 2:00 PM  
State Capitol, Conference Room 308

Representative Oshiro and Members of the Committee:

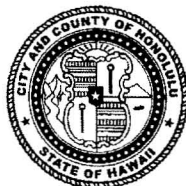
The Department of Public Safety (PSD) opposes this measure because the amended maximum amount that can be charged for the duplication of records, ten cents, does not cover the cost of duplication of records by the department. By setting a maximum amount of ten cents for duplication of records in statute, there is no allowance 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. In addition, an identical measure, SB 2310, was heard and deferred at a joint hearing by the Senate Committees on Judiciary and Government Operations, and on Transportation, International and Intergovernmental Affairs.

Based on the foregoing reasons, PSD strongly opposes this measure due to its negative impact on the priorities set forth in the Executive Supplemental Budget for Fiscal Year 2010-2011.

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

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honoluluodpp.org](http://www.honoluluodpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)



MUFI HANNEMANN  
MAYOR

DAVID K. TANOUE  
DIRECTOR  
ROBERT M. SUMITOMO  
DEPUTY DIRECTOR

February 10, 2010

The Honorable Marcus R. Oshiro, Chair  
and Members of the Committee on Finance  
State House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:

**Subject: House Bill No. 2231  
Relating to Government Records**

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 2231 because it sets a bad precedent that may increase costs to the department and encourages the use of paper products which are a critical resource. The proposed cap does not exclude large format hard copy products (i.e., maps, graphics) which can have a page size as large as or larger than 36" x 24".

Oftentimes the information requested via hard copy can be accessed online via the internet or using other forms of electronic media (i.e., cd, email, ftp). In general, this saves resources and helps defray costs associated with purchasing paper supplies and ink, as well as labor to produce the printed copy. Currently, most information is readily available online and kept up-to-date.

For those who don't own a computer or have access to the internet, printing hard copies may be appropriate. However the price for large format documents larger than 'Legal' size (8.5" x 14") should not be 'capped'. Information such as maps, are sometimes requested on large format that is costly to produce. We should be able to charge a fee that is more in sync with the actual cost of the product that is ordered. Keeping the price of large format documents higher may reduce the frequency of requests, discourage wasteful practices, and encourage the use of electronic media.

The Honorable Marcus R. Oshiro, Chair  
and Members of the Committee on Finance  
State House of Representatives  
House Bill No. 2231  
February 10, 2010  
Page 2

Accordingly, we respectfully request that House Bill No. 2231 either be held or filed.

Thank you for the opportunity to testify.

Very truly yours,



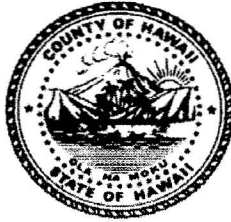
b.

David K. Tanoue, Director  
Department of Planning and Permitting

DKT: jmf

hb2231-jh.doc

**KENNETH G. GOODENOW**  
County Clerk



**RODNEY OSHIRO**  
Deputy County Clerk

*County of Hawai'i*  
*Office of the County Clerk*  
25 Aupuni Street  
Hilo, Hawai'i 96720  
Telephone: (808) 961-8255  
Facsimile: (808) 961-8912

TESTIMONY OF THE HAWAI'I COUNTY CLERK  
TO THE HOUSE COMMITTEE ON FINANCE  
ON HOUSE BILL 2231

February 10, 2010

Chair Oshiro and members of the House Finance Committee, thank you for the opportunity to testify in opposition to House Bill 2231. The purpose of this bill is to statutorily set the cost to the public of reproducing government records from not less than five cents per page to not more than ten cents per page.

The Office of the County Clerk, County of Hawai'i opposes this bill which limits our authority to charge a reasonable duplication fee. By placing a cap on the amount that may be charged for duplication of government records we lose a degree of flexibility in the event the cost to provide records increase.

While likely well intentioned, an artificial cap on the cost of government records would place the government at a financial disadvantage in the event the costs for providing records increases. Therefore, we respectfully ask that this bill be filed.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Goodenow", written over a horizontal line.

KENNETH G. GOODENOW  
County Clerk



*Hawaii*  
**COMMON CAUSE**  
*Holding Power Accountable*

P.O. Box 22703 • Honolulu, Hawaii 96823 • (808) 275-6275

Web: [www.commoncausehawaii.org](http://www.commoncausehawaii.org) • Email: [info@commoncausehawaii.org](mailto:info@commoncausehawaii.org)

**House FIN Committee**  
**Wednesday 2/10/10 at 2:00PM in Room 308**  
**HB 2231**

**TESTIMONY**

Nikki Love, Executive Director, Common Cause Hawaii

Chair Oshiro, Vice Chair Lee, and members of the Committee:

I am testifying in **support of HB 2231** relating to government records.

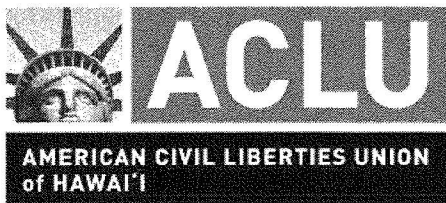
This bill sets a maximum fee for copies of government records of 10 cents per page, instead of the existing minimum fee of 5 cents per page.

We support this bill because access to government records is critical for promoting an open, transparent, and accountable government. Voters and taxpayers must be able to review and study records in order to ensure accountability of our many government agencies.

Without a maximum fee, agencies could impose unreasonably high fees as a way to impede public access. Especially for larger documents, the per-page fees quickly add up. In our government, there should be transparency for all, not just those who can afford it.

Mahalo for the opportunity to submit testimony.





Committee: Committee on Finance  
Hearing Date/Time: Wednesday, February 10, 2010, 2:00 p.m.  
Place: Room 308  
Re: Testimony of the ACLU of Hawaii in Support of H.B. 2231

Dear Chair Oshiro and Members of the Committee on Finance:

The ACLU of Hawaii writes in support of H.B. 2231.

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](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

## moshiro1-Ann

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2010 4:35 PM  
**To:** FINTestimony  
**Cc:** dwhite@hawaii.edu  
**Subject:** Testimony for HB2231 on 2/10/2010 2:00:00 PM

Testimony for FIN 2/10/2010 2:00:00 PM HB2231

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Douglas White  
Organization: Individual  
Address: 94-302 Paiwa Street #906 HI  
Phone: 808-354-0428  
E-mail: [dwhite@hawaii.edu](mailto:dwhite@hawaii.edu)  
Submitted on: 2/9/2010

### Comments:

I support this bill and offer an amendment.

I write the blog Poinography. When I am gathering information to research a posting sometimes I have to use the UIPA process. To date I have not been charged an exorbitant amount for copying of records, but I'd like to make sure it remains that way for myself and for all others who seek government records. This bill will do that.

I would also like to see a cap put on the fee charged for the search and segregation of records. I have a pending records request that has cost me nearly \$1000, and it is not even completely filled!

Please support this bill and consider the suggested amendment. Mahalo.

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
Committee on Finance

House of Representatives of the State of Hawai'i

Lance D. Collins, Esq.

Wednesday, February 10, 2010  
Support of HB No. 2231, Relating to Government Records

My name is Lance D. Collins. I am an attorney in private practice on the island of Maui and testify on my own behalf. I submit testimony **in strong support of** this bill.

The overall costs of photocopying documents has gone down dramatically in recent years and the need to charge outrageous fees for photocopying documents is unnecessary. The agency is permitted to tax costs associated with retrieving documents and researching and is a separate taxable fee from the costs of reproducing the documents themselves. The different between 10¢ and 25¢ can become substantial very quickly.

Most government record requests are made by individuals or non-profit organizations research matters of public interest and, as part of a policy of open government, benefit the entire state. Because researching and retrieving costs are taxable separately, if photocopying genuinely costs a particular agency more than 10¢ a page for machine wear, energy consumption, ink and paper, they should be audited for procurement irregularities or incompetence.

Thank you for this opportunity to present testimony.

Mahalo.

**Larry Geller**  
Honolulu, HI 96817

HB2231  
FIN  
Wednesday, February 10, 2010  
2:00 p.m.  
Room 308

COMMITTEE ON FINANCE  
Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair

February 9, 2010

**Re: HB2231—Relating to Government Records**

**In Support**

Dear Representative Oshiro, Representative Lee, and members of the Committee:

This bill makes a very welcome correction by placing a reasonable limit on the cost to requestors of government documents. As taxpayers, we have already paid for the production of public records. Making them available at reasonable cost is an important contribution to transparency and openness.

I urge the committee to pass this bill.

Larry Geller

**moshiro1-Ann**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2010 11:43 PM  
**To:** FINTestimony  
**Cc:** rmiller@aya.yale.edu  
**Subject:** Testimony for HB2231 on 2/10/2010 2:00:00 PM

Testimony for FIN 2/10/2010 2:00:00 PM HB2231

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Richard S. Miller, Prof. of Law, Emer.  
Organization: Drug Policy Action Group  
Address: 315 Iliaina Street Kailua  
Phone: 808-254-1796  
E-mail: [rmiller@aya.yale.edu](mailto:rmiller@aya.yale.edu)  
Submitted on: 2/9/2010

**Comments:**

A very important concept. Will insure great and necessary transparency. Please pass it.  
Mahalo!

**moshiro1-Ann**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Wednesday, February 10, 2010 6:49 AM  
**To:** FINTestimony  
**Cc:** oahurandy@yahoo.com  
**Subject:** Testimony for HB2231 on 2/10/2010 2:00:00 PM

Testimony for FIN 2/10/2010 2:00:00 PM HB2231

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Randy Ching  
Organization: Individual  
Address: 1560 Kanunu St, #818 Honolulu, HI 96814  
Phone:  
E-mail: [oahurandy@yahoo.com](mailto:oahurandy@yahoo.com)  
Submitted on: 2/10/2010

**Comments:**

HB2231 keeps the costs of government documents reasonable. When the cost of a copy goes over 10 cents, it becomes expensive to get large documents.