



GOV. MSG. NO. 681

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 7, 2010

The Honorable Colleen Hanabusa, President
And Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 2454 SD2 HD1 CD1

On July 6, 2010, Senate Bill No. 2454, entitled "A Bill for an Act Relating to Public Agency Meetings and Records" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill authorizes the Judiciary to assess fees on the public for the copying of court documents, but allows the court to exempt state agencies from these fees.

While I understand that it takes resources to copy court records, I remain concerned with the practice of continuing to operate government programs and services by burdening the public with higher fees. I am particularly concerned that this proposed fee structure would come at a time when our residents are dealing with economic challenges and many are having difficulty making ends meet.

Further, the fiscal impact on the public is not known since the bill gives the courts the ability to set the fees. I would urge the members of the Judiciary to be mindful that many of the people who must use our court system are of modest socio-economic means. They should not be denied legitimate access to legal records because they cannot afford to pay the fees imposed.

The Honorable Colleen Hanabusa, President
And Members of the Senate
Page 2

For the foregoing reasons, I allowed Senate Bill No. 2454 to become law as Act 189, effective July 6, 2010, without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§92-25 [No fees]~~ Fees for copies of pleadings, etc. [~~No~~
4 ~~fees shall]~~ Fees as established by court rules may be charged
5 for the certification of copies of any pleadings, order, or
6 other paper or document filed in any court, or process thereon,
7 or any transcript of testimony, [~~upon the original filing or~~
8 ~~issuance thereof, nor]~~ and for the certification of records on
9 appeal in any proceeding in any court [-]; provided that state
10 agencies shall be exempt from the fees; and provided further
11 that limitations on the extent of the exemption may be
12 established by court rules."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16

APPROVED this _____ day of _____, 2010

GOVERNOR OF THE STATE OF HAWAII