



The Judiciary, State of Hawaii

Testimony to the House Committee on Finance

The Honorable Marcus R. Oshiro, Chair
The Honorable Marilyn B. Lee, Vice Chair

Thursday, March 25, 2010, 12:30 p.m. (Agenda #3)
State Capitol, Conference Room 308

by
Thomas R. Keller
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

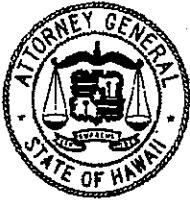
Bill No. and Title: Senate Bill No. 2454, S.D. 2, Relating to Public Agency Meetings and Records.

Purpose: Allows courts to charge fees for certified copies of pleadings, orders, transcripts, and other documents. Provides an exemption for state agencies, as may be limited by court rules.

Judiciary's Position:

The Judiciary has no objection to Senate Bill No. 2454, S.D. 2, which would authorize a fee-by-rule. If this bill passes, the Supreme Court can consider whether to impose a fee for the certification of copies of any pleadings, orders, transcripts, and other documents.

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



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

S.B. NO. 2454, S.D. 2, RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Thursday, March 25, 2010 **TIME:** 12:30 p.m.

LOCATION: State Capitol, Room 306

TESTIFIER(S): Mark J. Bennett, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Oshiro and Members of the Committee:

The Department of the Attorney General supports the exemption from paying fees for certified copies of pleadings, transcripts, records on appeal, and other documents filed in the state courts that this bill provides for state agencies. However, we believe the bill should be amended to expressly exempt all state agencies from that assessment by statute rather than court rule.

Assessing state agencies a fee that is to be deposited into the general fund means that general funds will have to be spent to assess, pay, and deposit the fees into the general fund. While the general fund will ultimately regain the amount of the fee, it will suffer an actual loss in the process. An express statutory exemption for state agencies would avoid this loss.