



**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 Judiciary

**DATE:** Tuesday, March 9, 2010      **TIME:** 2:05 p.m.

**LOCATION:** State Capitol, Room 325

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

---

Chair Karamatsu 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 exempt state agencies without limitation.

An exemption for state agencies makes good fiscal sense. Any certification fee the Judiciary collected would be a realization of the State and deposited into the general fund. The operating expenses of most state agencies, including the Judiciary and the Department of the Attorney General, are paid with appropriations from the general fund. However, exempting state agencies from having to pay the fee would result in more than a "wash" - while agencies clearly would avoid having to spend general funds for fees, the real savings would result from both the Judiciary and the agencies not having to incur the additional costs of budgeting, assessing, collecting, and depositing the fees out of and into the general fund at all.

We also note that, because the bill's title literally refers to more than one subject, i.e., "public agency meetings"

and "public agency records," a court could conclude that this bill violates the single subject-title requirement of article III, section 14 of the State Constitution. The Senate Committee on Judiciary and Government Operations stated in its Standing Committee Report No. 2287 that "the title of the measure is the title of the chapter being amended, chapter 92, Hawaii Revised Statutes, which is one subject." However, chapter 92 is not the subject expressed in the bill's title, and the bill's title is not limited to a single chapter in the Hawaii Revised Statutes.