

SB2454



The Judiciary, State of Hawaii

**Testimony to the Twenty-Fifth State Legislature, Regular Session of 2010
Senate Committee on Judiciary and Government Operations**

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
Thursday, February 4, 2010, 9:30 a.m.
State Capitol, Conference Room 016

by

Thomas R. Keller
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

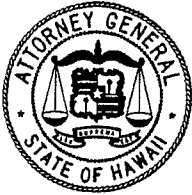
Bill No. and Title: Senate Bill No. 2454, Relating to Public Agency Meetings and Records.

Purpose: Allows courts to charge fees for certified copies of pleadings, orders, transcripts, and other documents.

Judiciary's Position:

The Judiciary has no objection to Senate Bill No. 2454, 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, RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

BEFORE THE:

Senate Committee on Judiciary and Government Operations

DATE: Thursday, February 4, 2010 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

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

Chair Taniguchi and Members of the Committee:

The Department of the Attorney General testifies to request that this bill be amended to include a provision excepting the Department and any other state agency from any fee that a court may charge pursuant to section 92-25, Hawaii Revised Statutes, as amended by this bill.

To accomplish this, we suggest that the following sentence be added at the end of section 92-25:

"Fees established pursuant to this section shall not be charged against a department or agency of the State."

This revision will obviate the need to increase the Department's budget (and potentially other department or agency budgets) to pay this additional cost, and avoid the expense to the Judiciary of processing the fees collected for deposit back into the State's general fund.

We also note that although the bill seems to refer only to "records," a court might construe the bill's title as defective under article III, section 14 of the State Constitution because it literally refers to more than one subject, i.e., "public agency meetings" and "public agency records."