

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
FINANCE

Monday, March 31, 2014
2:00 P.M.
State Capitol, Conference Room 308

In consideration of
SENATE BILL 2082, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO LAND COURT

Senate Bill 2082, Senate Draft 1, House Draft 1 proposes to provide the authority for the Department of Land and Natural Resources (Department) and the Department of Accounting and General Services, through administrative rule, to establish and maintain a schedule of fees for Land Court services performed under Chapter 501 Hawaii Revised Statutes (HRS) and authorizes the Supreme Court, by rule of the Court, to establish and maintain a schedule of fees for services performed under Chapter 501 HRS. **The Department strongly supports this measure.**

Thank you for your consideration and the opportunity to testify on this measure.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND
STATE PARKS

NEIL ABERCROMBIE
GOVERNOR



Dean H. Seki
Comptroller

Maria E. Zielinski
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
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WRITTEN TESTIMONY
OF
DEAN H. SEKI, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
FINANCE
ON
March 31, 2014

S.B. 2082, S.D. 1, H.D. 1

RELATING TO LAND COURT

Chair Luke and members of the Committee, thank you for the opportunity to submit written testimony on S.B. 2082, S.D. 1, H.D. 1.

The Department of Accounting and General Services (DAGS) supports S.B. 2082, S.D. 1, H.D. 1, which authorizes DAGS to establish and maintain a schedule of fees for the services performed by the State Land Surveyor under Chapter 501, Hawaii Revised Statutes.

Thank you for the opportunity to submit written testimony on this matter.



The Judiciary, State of Hawaii

**Testimony to the
House Committee on Finance**
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair

Monday, March 31, 2014, 2:00 p.m. (Agenda #1)
State Capitol, Conference Room 308

by
Calvin Ching
Deputy Chief Court Administrator, First Circuit

Bill No. and Title: Senate Bill No. 2082, SD1, HD1, Relating to Land Court.

Purpose: Authorizes additional land court fees to be established by court and administrative rule.

Judiciary's Position:

The Judiciary supports Senate Bill No. 2082, SD1, HD1 which is part of its 2014 legislative package. As amended by the House Judiciary Committee, HD1 reflects the bill's original language which seeks to authorize the Hawaii Supreme Court, Department of Land and Natural Resources, and Department of Accounting and General Services, by rule, to revise, amend, add to, or eliminate land court or Bureau of Conveyances fees, or to prescribe additional fees, for services provided by each respective agency.

Section 2 of the bill seeks to amend Section 501-218, Hawaii Revised Statutes, entitled "Schedule of Fees", which was last amended in 1993. Over the intervening 20 years, costs have risen and some procedures have changed. Some of the services described in this section, such as examining of title, are no longer performed or offered by the Land Court. In the case of other fees listed, the services described are performed by other branches or subdivisions of state government that have their own fee schedules.



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Under the current law, the section provides, “(E)xcept where otherwise provided by the Supreme Court of the State of Hawaii that shall be empowered to amend or add to the schedule from time to time ...” Although this language clearly manifests the intention that the Supreme Court amend the schedule from time to time, it does not specifically state how amendments or changes shall be actually made. SB2082 would clarify this section to state that the Supreme Court shall be able to establish a fee schedule by court rule that it may amend from time to time.

The proposed amendment does not attempt to alter or amend the existing schedule of fee items listed in this section but rather seeks to clarify and establish that the respective branches of government may establish and amend from time to time, their own schedules of fees for the services that they perform. In the case of services performed by the Land Court, the Judiciary branch, by rules of court promulgated by the Supreme Court shall establish a schedule of fees that it may amend in the future. In the case of services performed by the Bureau of Conveyances, Administrative Rules adopted by the Department of Land and Natural Resources shall specify services performed and fees, and for those services performed by the State Surveyor, the Department of Accounting and General Services shall likewise by Administrative Rule maintain its own schedule of services and fees.

If adopted, SB2082, SD1, HD1 will have no direct fiscal or operational impact upon the Judiciary, Department of Land and Natural Resources or Department of Accounting and General Services or result in an increase or decrease of revenues to the State General Fund. Hence, we strongly support this measure.

Thank you for the opportunity to testify on SB2082, SD1, HD1.