



The Judiciary, State of Hawaii

**Testimony to the
House Committee on Water and Land**
Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair

Monday, March 10, 2014, 8:45 a.m.
State Capitol, Conference Room 325

by
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Bill No. and Title: Senate Bill No. 2082, S.D. 1, 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, S.D.1, which is part of its 2014 legislative package and respectfully submits that §501-218, Hawaii Revised Statutes, should be amended in order to clarify that the Department of Land and Natural Resources, Department of Accounting and General Services and the Supreme Court may revise, amend, add to, or eliminate the fee schedule contained in that section by court and administrative rule.

This section, entitled Schedule of Fees, 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.

The section currently 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 ..."



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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.

This bill 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.

While the Judiciary prefers the language of Senate Bill No. 2082, as originally submitted, it is not opposed to the language of this bill as modified in the S.D. 1 version.

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 schedule 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 from time to time. 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.

Thank you for the opportunity to testify on this measure.