

SB2082

Measure Title: RELATING TO LAND COURT.
Report Title: Judiciary Package; Land Court; Fees
Description: Authorizes additional land court fees to be established by court or administrative rule.
Companion: [HB1636](#)
Package: Judiciary
Current Referral: WTL/JDL, WAM
Introducer(s): KIM (Introduced by request of another party)

Sort by Date		Status Text
1/14/2014	S	Pending Introduction.
1/15/2014	S	Introduced.
1/15/2014	S	Passed First Reading.
1/16/2014	S	Referred to WTL/JDL, WAM.
1/30/2014	S	The committee(s) on WTL/JDL has scheduled a public hearing on 02-07-14 1:30PM in conference room 225.
2/4/2014	S	The committee(s) on WTL/JDL has rescheduled its public hearing to 02-07-14 1:45PM in conference room 225.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the Senate Committees on
WATER AND LAND
and
JUDICIARY AND LABOR

Friday, February 07, 2014
1:30 P.M.
State Capitol, Conference Room 225

In consideration of
SENATE BILL 2082
RELATING TO LAND COURT

Senate Bill 2082 proposes to authorize the Department of Accounting and General Services (DAGS), the Department of Land and Natural Resources (Department), through administrative rule, and the Supreme Court, by rule of the court, to establish and maintain a schedule of fees for services performed under chapter 501 Hawaii Revised Statutes (HRS). **The Department supports this measure.**

Currently, the Department has the authority to set fees through administrative rule under Section 501-218, HRS. This measure would extend the authority to DAGS and to the Supreme Court.



The Judiciary, State of Hawaii

**Testimony to the
Senate Committee on Water and Land**
Senator Malama Solomon, Chair
Senator Brickwood Galuteria, Vice Chair

and

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Friday, February 7, 2014, 1:45 p.m.
State Capitol, Conference Room 225

by
Calvin Ching
Deputy Chief Court Administrator, First Circuit

Bill No. and Title: Senate Bill No. 2082, 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 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



Senate Bill No. 2082, Relating to Land Court
Senate Committee on Water and Land
Senate Committee on Judiciary and Labor
Friday, February 7, 2014
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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 ...”

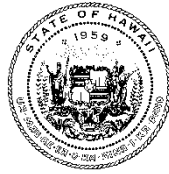
Although this language clearly manifests the intention that the Supreme Court amend the schedule from time to time it does not specifically state how amendments or changes shall be actually made.

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.

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.

NEIL ABERCROMBIE
GOVERNOR



Dean H. Seki
Comptroller

Maria E. Zielinski
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
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WRITTEN TESTIMONY
OF
DEAN H. SEKI, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEES
ON
WATER AND LAND
AND
JUDICIARY AND LABOR
ON
February 7, 2014

S.B. 2082

RELATING TO LAND COURT

Chairs Solomon, Hee, and members of the Committees, thank you for the opportunity to submit written testimony on S.B. 2082.

The Department of Accounting and General Services (DAGS) supports S.B. 2082 that allows 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.