



OFFICE OF THE LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'aina

TO: Chair Scot Matayoshi
Vice Chair Andrew Garrett
Members of the House Committee on Labor and Government Operations

FROM: Sylvia Luke, Lieutenant Governor

RE: Testimony for H.B. 964 – Relating to the Certification of Documents

DATE: February 9, 2023

Thank you for the opportunity to provide testimony in **strong support of H.B. 964** which increases the fee for the issuance of an apostille or certification from \$1 to \$10 and establishes the apostilles and certifications special fund.

As Secretary of State, the Lieutenant Governor annually provides approximately 7,500 authentication services for all public and general documents that are used overseas including powers of attorney, marriage certificates, birth certificates, divorce decrees, probated and un-probated wills, judgments, agreements, transcripts, and more. In the short period that I have been in office, my staff and I have witnessed firsthand that the current system is archaic and does not serve the public as intended. Since our office is unable to accept credit card or web-based payment, those seeking an apostille or certification must either pay \$1 in cash or obtain a cashier's check that most banks charge \$15 to process. If there are errors in dropped-off paper applications that require our office to mail documents back to the applicant, our office pays between 60 cents to \$2.00 per return. Lastly, if an applicant is out-of-country, they do not have the ability to purchase US postage and cannot provide a self-addressed stamped envelope, resulting in our office paying between \$1.45 - \$4.00 per international mailing. Passage of this measure will ensure that my office has sufficient funding to execute its constitutional obligations without burdening the state treasury.

Thank you for the opportunity to provide testimony in strong support of H.B. 964.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 964, RELATING TO THE CERTIFICATION OF DOCUMENTS.

BEFORE THE:

HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

DATE: Thursday, February 9, 2023 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Candace J. Park, Deputy Attorney General

Chair Matayoshi and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purposes of this bill are: (1) to add a new chapter to the Hawaii Revised Statutes for the certification of documents by the Lieutenant Governor; and (2) to establish the Apostille and Certifications Special Fund, for operational expenses.

Article VII, section 5, of the Hawaii State Constitution provides in part: "No public money shall be expended except pursuant to appropriations made by law." Money may not be expended from the Apostille and Certifications Special Fund unless an appropriation is made out of the fund. However, the bill does not contain an appropriation out of the fund.

We recommend amending the bill by adding a new section 2, to read as follows:

"There is appropriated out of the apostille and certifications special fund the sum of \$ or so much thereof as may be necessary for fiscal year 2023-2024 for operational expenses of the office of the lieutenant governor.

The sum appropriated shall be expended by the office of the lieutenant governor for the purposes of this Act."

If the Committee decides to pass this bill, the Department respectfully requests the Committee to amend the bill to meet the requirements of article VII, section 5, of the Hawaii State Constitution.

Thank you for the opportunity to provide these comments.