



## *The Judiciary, State of Hawaii*

**Testimony to the  
House Committee on Judiciary**  
Representative Karl Rhoads, Chair  
Representative Sharon E. Har, Vice Chair

Tuesday, March 18, 2014, 2:00 p.m.  
State Capitol, Conference Room 325

by  
Calvin Ching  
Deputy Chief Court Administrator, First Circuit

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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.

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  
JUDICIARY**

**Tuesday, March 18, 2014  
2:00 P.M.  
State Capitol, Conference Room 325**

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

Senate Bill 2082, Senate Draft 1 proposes to remove the authority for the Department of Land and Natural Resources (Department), 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 supports this measure with amendments.**

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

The Department respectfully asks for the restoration and insertion of the following paragraph on page 4, line 21, as subsection (d):

(d) The department of land and natural resources, by rule adopted pursuant to chapter 91, may from time to time, revise, amend, add to, or eliminate, any fees payable under subsection (a) for services provided by assistant registrars in the bureau of conveyances under this chapter.

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

**JESSE K. SOUKI**  
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