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## SENATE CONCURRENT RESOLUTION

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ESTABLISHING A JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO  
INVESTIGATE THE SECURITY OF RECORDED DOCUMENTS, PRIVATE  
COMPUTER ACCESS AND TAMPERING OF SUCH DOCUMENTS, AND THE  
OPERATIONS AND MANAGEMENT OF THE BUREAU OF CONVEYANCES.

1 WHEREAS, in April 2007, during the preparation for and the  
2 course of the confirmation hearing of the Chairperson-nominee of  
3 the Board of Land and Natural Resources, the Senate Committee on  
4 Water, Land, Agriculture, and Hawaiian Affairs was informed of  
5 an ongoing criminal investigation by the Department of the  
6 Attorney General and an ethics probe by the State Ethics  
7 Commission; and

8  
9 WHEREAS, the Department of the Attorney General and the  
10 State Ethics Commission indicated that the ongoing  
11 investigations were focused on the Bureau of Conveyances at the  
12 Department of Land and Natural Resources, and requested from the  
13 Senate Committee on Water, Land, Agriculture, and Hawaiian  
14 Affairs that questions and witnesses relating to the focus of  
15 the investigations be conducted in executive session to protect  
16 the confidentiality of and not jeopardize the investigations;  
17 and

18  
19 WHEREAS, both investigations center on several concerns  
20 involving the security of recorded documents, private computer  
21 access with potential for tampering of such documents, and  
22 questionable personnel conduct and management at the Bureau of  
23 Conveyances and lack of accountability; and

24  
25 WHEREAS, the Auditor's Report No. 06-04, *Financial Audit of*  
26 *the Department of Land and Natural Resources*, June 2006,  
27 indicated that the Bureau of Conveyances does not effectively  
28 manage its staff resources or meet its customer service  
29 requirements; and  
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1 WHEREAS, although overtime at the Bureau of Conveyances  
2 increased to address the work backlog, the Auditor's report  
3 further concluded that the work productivity had decreased; and  
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5 WHEREAS, individuals who appeared pursuant to a subpoena in  
6 front of the Senate Committee on Water, Land, Agriculture, and  
7 Hawaiian Affairs during the confirmation hearing for the  
8 Chairperson-nominee of the Board of Land and Natural Resources  
9 indicated a long history of factionalism, low employee morale,  
10 and personnel mismanagement within the Bureau of Conveyances;  
11 and  
12

13 WHEREAS, furthermore, it was indicated that the ongoing  
14 investigations were focused on the information sharing  
15 agreements between the Bureau of Conveyances with private title  
16 companies, and allegations of preferential treatment among  
17 certain private title companies; and  
18

19 WHEREAS, testimony of other individuals who appeared  
20 pursuant to a subpoena in front of the Senate Committee on  
21 Water, Land, Agriculture, and Hawaiian Affairs during the  
22 confirmation hearing as well as from the Chairperson-nominee,  
23 indicated that there was a lack of written contracts for the  
24 sharing of information of the Bureau of Conveyances, inadequate  
25 information sharing service subscription records, user fee  
26 schedules, or established rules and procedures for the use of  
27 this information sharing service; and  
28

29 WHEREAS, the lack of additional information relating to the  
30 sharing of information developed into a source of great concern  
31 during the Senate confirmation process, and resulted in  
32 additional questions and concerns about the safety and security  
33 of the private and sensitive information that is held within the  
34 Bureau of Conveyances; and  
35

36 WHEREAS, despite the ongoing investigations by the  
37 Department of the Attorney General and the State Ethics  
38 Commission, the Legislature is highly concerned with the  
39 security of recorded documents, private computer access and  
40 potential tampering of the documents as well as with the overall  
41 personnel and fiscal management of the Bureau of Conveyances;  
42 now, therefore,  
43



1 BE IT RESOLVED by the Senate of the Twenty-fourth  
2 Legislature of the State of Hawaii, Regular Session of 2007, the  
3 House of Representatives concurring, that:

4  
5 (1) The Legislature hereby establishes a Joint Senate-  
6 House investigative committee pursuant to chapter 21,  
7 Hawaii Revised Statutes, to investigate the fiscal and  
8 personnel management of the Bureau of Conveyances at  
9 the Department of Land and Natural Resources;

10  
11 (2) The purpose and the duties of the Joint Senate-House  
12 investigative committee and the subject matter and  
13 scope of its investigatory authority shall be to  
14 investigate, gather information, assess, and make  
15 recommendations to the Legislature concerning:

16  
17 (A) The management of the employees and  
18 administrators of the Bureau of Conveyances;

19  
20 (B) The fiscal management and accountability of the  
21 Bureau of Conveyances;

22  
23 (C) The rules, procedures, and fee schedules relating  
24 to information sharing between the Bureau of  
25 Conveyances and private title companies and  
26 individual users/subscribers; and

27  
28 (D) The security of recorded documents, access to  
29 such documents from private computers, and the  
30 potential for tampering of such documents;

31  
32 (3) The Joint Senate-House investigative committee shall  
33 have every power and function allowed to an  
34 investigating committee by law, including without  
35 limitation the power to:

36  
37 (A) Adopt rules for the conduct of its proceedings;

38  
39 (B) Issue subpoenas requiring the attendance and  
40 testimony of witnesses and subpoenas duces tecum  
41 requiring the production of books, documents,  
42 records, papers, or other evidence in any matter  
43 pending before the investigative committee;



- 1 (C) Hold hearings appropriate for the performance of  
2 its duties, at such times and places as the  
3 investigative committee determines;  
4
- 5 (D) Administer oaths and affirmations to witnesses at  
6 hearings of the investigative committee;  
7
- 8 (E) Report or certify instances of contempt as  
9 provided in section 21-14, Hawaii Revised  
10 Statutes;  
11
- 12 (F) Determine the means by which a record shall be  
13 made of its proceedings in which testimony or  
14 other evidence is demanded or adduced;  
15
- 16 (G) Employ professional, technical, clerical, or  
17 other staff and expend such funds appropriated  
18 for Senate and House operating expenses for 2007  
19 as necessary for the proper performance of its  
20 duties; and  
21
- 22 (H) Exercise all other powers specified under chapter  
23 21, Hawaii Revised Statutes, with respect to  
24 investigative committees;  
25
- 26 (4) The Joint Senate-House investigative committee shall  
27 be appointed by the Senate President and the Speaker  
28 of the House of Representatives exclusively from the  
29 membership of the Senate and House of Representatives,  
30 respectively; provided that the investigative  
31 committee membership shall consist of not less than  
32 six members with an equal number of members from the  
33 Senate and House of Representatives;  
34
- 35 (5) The Joint Senate-House investigative committee shall  
36 provide by rule for the submission, by a witness's own  
37 counsel and counsel for another individual or entity  
38 about whom the witness has devoted substantial or  
39 important portions of the witness's testimony, of  
40 written questions to be asked of the witness by the  
41 Co-Chairs;  
42
- 43 (6) The Joint Senate-House investigative committee shall  
44 provide by rule for the submission of proposed



1 questions at a hearing in accordance with section  
2 21-11(b), Hawaii Revised Statutes;

- 3  
4 (7) The Joint Senate-House investigative committee shall  
5 provide by rule that each witness intended to be  
6 called be given ten days notice of:

7  
8 (A) The date and time of the witness's appearance;

9  
10 (B) A short plain statement of the areas to be  
11 inquired into with respect to that witness's  
12 anticipated testimony; and

13  
14 (C) A list of or copies of the principal documents  
15 about which that witness may be questioned;

16  
17 provided that these requirements shall not limit the  
18 Joint Senate-House investigative committee's  
19 discretion to inquire into related matters; provided  
20 further that the rules may provide that the Co-Chairs  
21 may waive the ten days notice if the witness so  
22 agrees;

- 23  
24 (8) The Joint Senate-House investigative committee shall  
25 provide by rules that a draft report of the  
26 investigative committee's findings and conclusions  
27 concerning any matter that is the subject of its  
28 hearings shall be made available to all those entities  
29 or persons who were the subject of or who were  
30 witnesses who testified at any hearing; provided that:

31  
32 (A) Any person or entity to whom a draft report is  
33 made available shall be given a period of no less  
34 than fourteen days within which to make written  
35 responses to the draft findings or conclusions;  
36 and

37  
38 (B) The written responses, if any, shall be included  
39 as an appendix to the final report of the Joint  
40 Senate-House investigative committee; and

- 41  
42 (9) The Joint Senate-House investigative committee is  
43 authorized to exercise its powers continuously  
44 throughout the interim between the 2007 and 2008



1 Regular Sessions, and shall thereafter be dissolved  
2 unless further extended by the Senate and the House of  
3 Representatives; and  
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5 BE IT FURTHER RESOLVED that the Senate President and the  
6 Speaker of the House of Representatives, from time to time, may  
7 refer to the Joint Senate-House investigative committee specific  
8 matters that are within the scope of the investigative  
9 committee's jurisdiction, and that the investigative committee  
10 shall work in cooperation with the Senate President and Speaker  
11 of the House of Representatives for the purposes stated in this  
12 Concurrent Resolution; and  
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14 BE IT FURTHER RESOLVED that the Joint Senate-House  
15 investigative committee shall submit its written findings and  
16 recommendations to the Legislature not later than twenty days  
17 prior to the convening of the Regular Session of 2008; and  
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19 BE IT FURTHER RESOLVED that certified copies of this  
20 Concurrent Resolution be transmitted to the Governor, the  
21 President of the Senate, the Speaker of the House of  
22 Representatives, and the Chairperson of the Board of the Land  
23 and Natural Resources.  
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