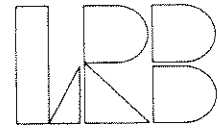


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LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

## COMMENTS

### SCR 232

# **REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO INVESTIGATE AND DEVELOP FEASIBILITY AND IMPLEMENTATION MODELS REGARDING MERGING THE LAND COURT AND REGULAR SYSTEMS, REASSIGNING THE BUREAU OF CONVEYANCES TO ANOTHER STATE DEPARTMENT, AND PRIVATIZING CERTAIN FUNCTIONS OF THE BUREAU OF CONVEYANCES**

Testimony by the Legislative Reference Bureau  
Ken H. Takayama, Acting Director

Presented to the Senate Committee on Commerce,  
Consumer Protection, and Affordable Housing

Tuesday, March 25, 2008, 9:00 a.m.  
Conference Room 229

Chair Kokubun and Members of the Committee:

Thank you for this opportunity to testify on S.C.R. No. 232. The Bureau takes no position for or against this measure but offers the following comments.

The concurrent resolution directs the Bureau to conduct a study on several issues that developed from the Joint Senate-House Investigative Committee on the Bureau of Conveyances, namely: (1) the merging of the land court and "regular" systems of land recordation; (2) the transfer of the Bureau of Conveyances to a different department; and (3) privatizing certain functions of the Bureau of Conveyances. The study is to be submitted prior to the convening of the 2009 regular session of the Legislature.

As always, if the Legislature wants us to undertake this study, we will do so to the best of our ability. We note, however, that as presently drafted, the scope of the study requested in this measure is extremely broad, and is tantamount to three "conventional" studies.

To assist our efforts to respond to the directives of this concurrent resolution, we request that the measure be amended to direct submission of the "privatization" portion to the Legislature prior to the 2010 regular session. We believe that the other two components, while neither small nor simple, are better candidates for completion by the 2009 regular

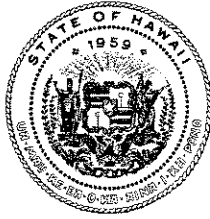
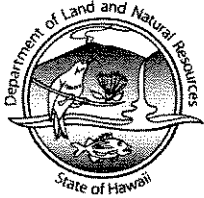
session. By comparison, the privatization portion appears to be both less conventional and more complex.

Additionally, if this measure is to pass, we request that the individual elements of each major component not be modified. We are concerned that attempts to "clarify" a portion of a measure may have the unintended effect of broadening the scope of a request in a way that makes it unmanageable.

Finally, the Legislative Reference Bureau stands ready to assist the Committee by producing any amended draft or committee report that you may require.

Thank you very much for this opportunity to testify.

LINDA LINGLE  
GOVERNOR OF HAWAII



PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR

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  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**LATE**

**TESTIMONY OF THE CHAIRPERSON OF THE  
BOARD OF LAND AND NATURAL RESOURCES**

**On Senate Concurrent Resolution 232 - REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO INVESTIGATE AND DEVELOP FEASIBILITY AND IMPLEMENTATION MODELS REGARDING MERGING THE LAND COURT AND REGULAR SYSTEMS, REASSIGNING THE BUREAU OF CONVEYANCES TO ANOTHER STATE DEPARTMENT, AND PRIVATIZING CERTAIN FUNCTIONS OF THE BUREAU OF CONVEYANCES**

**BEFORE THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING**

March 25, 2008

Senate Concurrent Resolution 232 requests the Legislative Reference Bureau to investigate and develop feasibility and implementation models regarding merging the Land Court and Regular Systems, reassigning the Bureau of Conveyances (Bureau) to another state department, and privatizing certain functions of the Bureau. The Department of Land and Natural Resources (Department) does not agree that another study is necessary in light of past studies that have been conducted by the Legislative Auditor, and by Ho'ike Consulting, that contained similar recommendations. An additional study will only result in further delays and will adversely impact the general public.

The Department strongly supports contents of the Administration's proposal, House Bill 3171 (RELATING TO THE LAND COURT SYSTEM) that allows timeshare transactions to be recorded only in the Regular System and to allow land owners to opt out of the Land Court system. The Department strongly urges agreement by the Senate and the House of Representatives to change the law to improve the operations of the Bureau.



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Hawaii Government Employees Association  
AFSCME Local 152, AFL-CIO

The Twenty-Fourth Legislature, State of Hawaii  
Hawaii State Senate

**LATE**

Committee on Commerce, Consumer Protection, and Affordable Housing

Testimony by  
Hawaii Government Employees Association – HGEA/AFSCME, Local 152  
March 25, 2008

**SCR 232 - REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO INVESTIGATE AND DEVELOP FEASIBILITY AND IMPLEMENTATION MODELS REGARDING MERGING THE LAND COURT AND REGULAR SYSTEMS, REASSIGNING THE BUREAU OF CONVEYANCES TO ANOTHER STATE DEPARTMENT, AND PRIVATIZING CERTAIN FUNCTIONS OF THE BUREAU OF CONVEYANCES.**

The Hawaii Government Employees Association would like to provide the following comments regarding SCR 232.

We agree that the Bureau of Conveyances can and should be a more efficient, effective, and accountable government operation. Our past experience and involvement in the various issues affecting our union members are certainly a strong indication that the Department of Land and Natural Resources is in need of assistance if they are to properly address the problems that exist in the Bureau of Conveyances.

With this in mind, even though we are not convinced that these are viable options to assist the Bureau's operations, we don't object to a Legislative Reference Bureau (LRB) study and investigation into the feasibility and impact of combining the Land Court and Regular System into a unified system of recordation or a study into the advisability of moving the Bureau of Conveyances into another department within the executive branch or to the judicial branch of state government.

We do, however, strongly oppose looking into the privatization of certain functions of the Bureau. We are convinced that privatizing the Bureau of Conveyances is not the means to a more efficient and effective government operation. We truly believe the privatization of services will result in a less efficient and less effective recordation process that will actually cost taxpayers more money and lead to less public accountability.

Thank you for the opportunity to provide testimony on this resolution.

Respectfully submitted,

*for* Nora A. Nomura  
Deputy Executive Director

