



GOV. MSG. NO. 678

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 8, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 521 SD2 HD1

On May 7, 2009, Senate Bill No. 521, entitled "A Bill for an Act Relating to Real Property" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill would require the registrar's office within the Bureau of Conveyances to provide within ten days after the end of each week an image and index of all instruments and documents recorded during the week to a county designated as a central clearinghouse. Further, the registrar is prohibited from charging for the information and the bill prescribes the seven specific pieces of information the Bureau of Conveyances must provide and the manner in which the information must be delivered.

Currently the Bureau of Conveyances already provides to several entities on a daily basis in electronic format data on all of the transactions that have occurred in the registrar's office for the previous day. At least one county, the City and County of Honolulu, has the ability to extract from this data the information needed by all counties for real property assessment purposes. However, the City and County of Honolulu instead relies on a third party to provide their real property assessment information. This bill would unnecessarily shift this burden to the Bureau of Conveyances and require that they provide this data within a statutorily set deadline, regardless of the impact on their other duties.

Further, this bill prescribes the exact data that must be provided, making it difficult, without changing the law, to revamp the format or type of information the counties may require. Additionally, this bill restricts the State from charging the county for the work involved in providing the information every week. While the State does not currently charge for the electronic data they provide to third parties on a daily basis, we should not be precluded from considering charges at a future time when it may be warranted.

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The State remains receptive to entering into written agreements with the counties to ensure that the counties receive the data they need in a manner that best fits their individual requirements.

For the foregoing reasons, I allowed Senate Bill No. 521 to become law as Act 57, effective May 7, 2009, without my signature.

Sincerely,



LINDA LINGLE

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# A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to enable the  
2 counties to promptly track ownership, encumbrances,  
3 restrictions, uses, and sales prices of real property to enable  
4 more accurate real property tax assessments by requiring the  
5 registrar of the bureau of conveyances to provide, within ten  
6 days after each week and free of charge, an image and index of  
7 all instruments and documents that have been recorded in the  
8 registrar's office that week relating to regular system land in  
9 all the counties, to the county designated in a memorandum of  
10 understanding agreed upon by the counties to act as a central  
11 clearinghouse to deliver the images and index to the other  
12 counties without charge

13           SECTION 2. Section 502-26, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "**§502-26 Copies of instruments, certificates.** (a) The  
16 registrar, when applied to, shall furnish an attested copy of  
17 any instrument or document recorded in the registrar's office,  
18 or of any fact appearing upon the registrar's records. The



1 registrar may also issue nonattested portions of any instrument  
2 or document recorded in the registrar's office. The registrar  
3 may issue certificates of search or [~~incumbrance~~] encumbrance  
4 when personnel is available for the making of the certificate.

5 (b) Within ten days after the end of each week, the  
6 registrar shall deliver or forward by mail or electronic  
7 transmission, without charge, an image and index of all  
8 instruments or documents that have been recorded in the  
9 registrar's office during each week relating to land in all the  
10 counties, to the county designated to act as a central  
11 clearinghouse in a memorandum of understanding agreed upon by  
12 the counties. The central clearinghouse shall deliver the  
13 images and index to the other counties without charge. The  
14 index shall include the following for each instrument:

- 15 (1) Document number;  
16 (2) Certificate number;  
17 (3) Date of the filing;  
18 (4) Type of document;  
19 (5) Names of grantor and grantee;  
20 (6) Current tax map key number; and  
21 (7) Location by island."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

APPROVED this                      day of                      , 2009

GOVERNOR OF THE STATE OF HAWAII