



GOV. MSG. NO. 868

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 16, 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. 522 SD2 HD1

On July 15, 2009, Senate Bill No. 522, entitled "A Bill for an Act Relating to Land Court" 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 in Land Court 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 Land Court section 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 and Land Court 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 Land Court staff 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. 522 to become law as Act 197, effective July 15, 2009, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle", with a large, stylized loop at the end.

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO LAND COURT.

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

1 SECTION 1. The purpose of the Act is to enable the
2 counties to promptly track property ownership, encumbrances,
3 restrictions, uses, and sales prices of real property to enable
4 more accurate real property tax assessments by requiring the
5 assistant registrar of the land court to provide, within ten
6 days after each week and without charge, an image and index of
7 all deeds and other voluntary instruments, writs, or other
8 process that have been recorded with the assistant registrar
9 that week relating to registered land in all the counties, to
10 the county designated in a memorandum of understanding agreed
11 upon by the counties to act as a central clearinghouse to
12 deliver the images and index to the other counties without
13 charge.

14 SECTION 2. Section 501-107, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§501-107 Entry record; duplicates and certified copies.**

17 The assistant registrar shall keep a record in which shall be
18 entered all deeds and other voluntary instruments, and all



1 copies of writs or other process filed or recorded with the
2 assistant registrar relating to registered land. The assistant
3 registrar shall note in the record the date of reception of all
4 instruments. The instruments shall be stamped with the date,
5 hour, and minute of reception and shall be regarded as
6 registered from the date and time so noted, and the memorandum
7 of each instrument when made on the certificate of title to
8 which it refers shall bear the same date.

9 Every deed or other instrument, whether voluntary or
10 involuntary, so filed or recorded with the registrar or
11 assistant registrar shall be numbered and indexed, and indorsed
12 with a reference to the proper certificate of title. All
13 records relating to registered land in the office of the
14 registrar or of the assistant registrar shall be open to the
15 public in the same manner as probate records are open, subject
16 to ~~such~~ reasonable regulations as the registrar, under the
17 direction of the court, may make.

18 Certified copies of all instruments filed or recorded and
19 registered may also be obtained at any time on payment of the
20 assistant registrar's fees.

21 Within ten days after the end of each week, the assistant
22 registrar shall deliver or forward by mail or electronic



1 transmission, without charge, an image and index of all deeds
 2 and other voluntary instruments, writs, or other process that
 3 have been filed or recorded with the assistant registrar during
 4 each week relating to registered land in all the counties, to
 5 the county designated to act as a central clearinghouse in a
 6 memorandum of understanding agreed upon by the counties. The
 7 central clearinghouse shall deliver the images and index to the
 8 other counties without charge. The index shall include the
 9 following for each instrument:

- 10 (1) Document number;
- 11 (2) Certificate number;
- 12 (3) Date of the filing;
- 13 (4) Type of document;
- 14 (5) Names of grantor and grantee;
- 15 (6) Current tax map key number; and
- 16 (7) Location of the real property by island."

17 SECTION 3. New statutory material is underscored.

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

APPROVED this day of , 2009

GOVERNOR OF THE STATE OF HAWAII