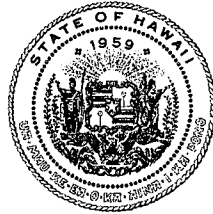
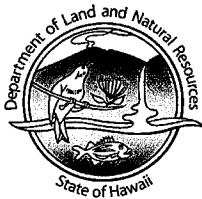


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
JUDICIARY AND GOVERNMENT OPERATIONS**

**Thursday, February 26, 2009
9:00 AM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 1352 SENATE DRAFT 1
RELATING TO BUREAU OF CONVEYANCES**

Senate Bill 1352, Senate Draft 1 proposes: 1) To remove time share interests from Land Court registration, 2) To authorize the Registrar of the Bureau of Conveyances (Bureau) to accept in the Regular System electronic instruments in lieu of original instruments with original signatures, 3) To authorize the Department of Land and Natural Resources (Department) to establish a transaction fee for services rendered relating to automation and, 4) To establish a pilot program for the to accept electronic filing of time share documents. The Department supports the intent of this bill, however has reservations with the timing of the pilot program.

First, Senate Bill 1352, Senate Draft 1 is an attempt to ease the backlog in the recording and review process by removing time share interests from Land Court registration. Past and future increases in the development of time shares cause delays in the recording of these interests in Land Court and increase the labor required to maintain the records.

The Bureau is under tremendous pressure to keep current with the increase in timeshare recordings. The Land Court, established in 1903, was never intended for the purpose of maintaining multiple owners and interests on specific parcels. Administration of recorded instruments in Land Court was impacted with the passage of condominium laws. Time share recordation in Land Court further challenges the Bureau's staff and affects the integrity of the System.

Further, the Department proposes that this bill be amended to include the ability for landowners to opt out of Land Court. There is minimal exposure to the landowners who choose to opt out of Land Court due to the availability of title insurance that affords protection to landowners against defective title. Land Court was established in 1903, prior to the introduction of title insurance in 1957 in Hawaii.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

Second, the Department strongly supports the authority to accept electronic documents. Electronic filing of documents would facilitate the recording process and improve delivery of information to the general public. This measure allows documents recorded in the Regular System to be filed in electronic format. The Department prefers to allow documents to be recorded electronically in both the Regular System and the Land Court System.

Presently, the Bureau and the Office of the Assistant Registrar accepts only original paper instruments with original signatures for recordation in the Regular System. This bill will allow the Bureau to accept electronic documents for recordation once the Department adopts rules specifying the format of acceptable electronic documents.

Third, this bill authorizes the Department to establish a transaction fee for services rendered relating to automation. Although the Department has the authority to change the fees charged for recording or other services through administrative rules without legislative approval, the Department welcomes the establishment of a \$5 transaction fee for all recordings in the Bureau and the Office of the Assistant Registrar of the Land Court, to commence on July 1, 2009 and sunset on June 30, 2011. This fee will be deposited in the Bureau of Conveyances Special Fund and will be used to purchase hardware, system design and staff training relating to the automation of the Bureau.

Finally, this bill establishes a pilot program for the Bureau to accept electronic filing of time share documents. The Department plans on moving forward with accepting all documents via electronic filing. The Bureau began beta testing Uniform Commercial Code documents, with a goal to be on-line this spring. However, before the Bureau can be on-line with all documents, it needs to upgrade the automation system. The Bureau must purchase and install adequate computer hardware or systems to manage the full volume of documents filed at the Bureau through an on-line system.

Testimony In Consideration of SB1352

DATE: February 26, 2009 9:00 am., Conference Room 016
TO: COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

FROM: Russell Castagnaro
Title: General Manager
Company: Hawaii Information Consortium, LLC
RE: Testimony In Consideration of SB1352

Aloha Chair, Vice Chair, and Members of the Committee:

As the Hawaii's Internet Portal Manager, we implement most of the eGovernment and eCommerce solutions for state and county partners. We are actively working with the Bureau of Conveyances on an electronic filing application similar to those used at the Department of Taxation, Department of Commerce and Consumer Affairs, other divisions of the Department of Land and Natural Resources and many others.

The portal strongly supports the authority to accept and store electronic documents and the elimination of the currently required wet signatures for all documents filed with the state. Electronic storage of filed documents should also be an option in addition to the photostatic and/or paper document storage options currently required.

The portal will gladly work with the Bureau on a pilot program to accept electronic filing of time share documents, should this bill pass.

Thank you for the opportunity to testify.

Russell Castagnaro



**Hawai'i
Association of
REALTORS®**
www.hawaii Realtors.com

The REALTOR® Building
1136 12th Avenue, Suite 220
Honolulu, Hawaii 96816

Phone: (808) 733-7060
Fax: (808) 737-4977
Neighbor Islands: (888) 737-9070
Email: har@hawaii Realtors.com

February 25, 2009

The Honorable Brian T. Taniguchi

Chair, Committee on Judiciary and Government Affairs
State Capitol, Room 229
Honolulu, Hawaii 96813

**RE: S.B. 1352, S.D. 1 Relating to Bureau of Conveyances
Hearing date: Thursday, February 26, 2009 at 9:00 a.m.**

Aloha Chair Taniguchi and Members of the Committee:

I am Myoung Oh, here to testify on behalf of the Hawai'i Association of REALTORS® (HAR) and its 9,600 members. HAR **supports S.B. 1352, S.D. 1** which transfers fee time share interest from the Land Court system to the Regular system, establishes an employer-employee working group to facilitate the changes to the system, authorizes a recording fee for Bureau of conveyance transactions, and establishes a pilot program to implement electronic recording of fee time share interests.

The Land Court was originally designed to accommodate individually owned properties. Timeshares, however, are comprised of multiple fee owners for each property. This, together with the development of new timeshare condominiums and converted condominium hotels, has created a significant backlog in the Land Court System.

HAR believes that the transfer of fee simple time share interests from the Land Court System to the Regular System and acceptance of electronic signatures will make the Bureau of Conveyance more efficient, and ultimately, benefit the real estate industry and consumers.

HAR further notes that it generally supports the changes made in S.B. 1352, S.D. 1, but takes no position at this time on the authorization for the Bureau of Conveyances to charge additional fees for deregistration.

Mahalo for the opportunity to testify.

STARWOOD

VACATION OWNERSHIP

9002 San Marco Court
Orlando, Florida 32819
(407) 418-7271

February 26, 2009

To: Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations

Fr: Robin Suarez, Vice President & Associate General Counsel for
Starwood Vacation Ownership

Re: **SB 1352 SD1 - RELATING TO BUREAU OF CONVEYANCES - SUPPORT**
Senate Committee on Judiciary and Government Operations
Thursday, February 26, 2009, Conference Room 016, 9:00 a.m.

Aloha Chair Taniguchi, Vice Chair Takamine, and Committee members:

My name is Robin Suarez, Vice President & Associate General Counsel for Starwood Vacation Ownership, ("SVO"). Thank you for the opportunity to provide comment in support of SB 1352, SD1, Relating to the Bureau of Conveyances.

The original version of bill proposes to transfer fee simple time share interests from the Land Court System to the regular system and to establish a pilot program to implement electronic recording of fee simple time share interests. Currently every timeshare owner is issued a certificate of title which amounts to thousands of individual owners. This measure will help to streamline the registration process while maintaining adequate protection of ownership.

Time share projects that are currently required to go through the Land Court Registration System are subjected to additional costs and time delays for the recordation of each timeshare interest. The Land Court places limits on the number of documents it will receive from individual developers on a daily basis. Due to the volume of documents generated by timeshare sales, this limitation creates delays and a backlog in recording timeshare sales. Eliminating the tedious process of issuing a certificate of title for each fee simple timeshare interest, which can range from hundreds to thousands of individual timeshare interests, will provide welcome relief to the Land Court's backlog if this process is allowed to be taken up entirely by the Bureau of Conveyances Regular System.

The original version of SB 1352 will help to streamline the recording and tracking of time share interests without compromising consumer protection and it eliminates a costly burden on the Hawai`i Land Court Recorder's office. The SD1 changes unnecessarily delay the implementation of this cost-savings and time-savings measure.

Timeshare projects with their high and consistent rates of occupancy and customer satisfaction are a vital part of Hawai`i's tourism industry. In addition to providing traditional resort operations jobs similar to hotel projects, timeshare projects add high skilled and high compensated sales and marketing jobs. As such, timeshare projects represent a valuable and diverse component of Hawai`i's important tourism market.

For these reasons, we respectfully request your consideration of reinstating the original language of this bill and for your favorable support of SB 1352, SD1.

As always, I thank you for the opportunity to share our views on this matter.

Committee on Judiciary and Government Operations
Hearing
Thursday, February 26, 2009, 9:00 a.m.
Conference Room 016

Senator Brian T. Taniguchi, Chair



Testimony on SB1352, SD1, Relating to Bureau of Conveyances

Dear Chair Taniguchi and Members of the Committee:

My testimony is in SUPPORT of SB1352, SD1. My name is Lynn McCrory and I am the President of PAHIO Development, Inc. We are a locally owned and operated time share development company on the island of Kauai.

This bill will remove from the Land Court the recording of all ownership of timeshare intervals, their governing document recordation, and any other documents relating to the title. The Bureau of Conveyance also records all timeshare intervals, governing documents, and all other documents relating to the title. These are duplicate recordings that result in an incredible amount of documents being processed through the two land systems. The bill also allows a timeshare project not to register with Land Court and allows existing time share projects to deregister from Land Court. This will stop any further filing of documents into the two land systems. The bill allows for a pilot program for filing utilizing an electronic signature. This will also facilitate the time it takes for the recordation of documents. These three changes will assist to alleviate any backlog that exists within the Land Court and allow a timelier recordation of all other real estate and timeshare documents.

The additions in SD1 to establish an employer-employee working group, charge a transaction fee, allow funding for the purchase of new technology equipment, and providing future effective dates will only work to support the changes in the bill. I humbly ask for your consideration to SUPPORT SB1352. Mahalo!

Me ke aloha pumehana
With warm aloha,

PAHIO DEVELOPMENT, INC.

A handwritten signature in black ink, appearing to read "Lynn P. McCrory".

Lynn P. McCrory, RRP
President

C: PMCI



American Resort Development Association
c/o PMCI Hawaii 84 N. King Street Honolulu, HI 96817 (808) 536-5688

February 26, 2009

TO: Senate Judiciary and Government Operations Committee
Sen. Brian T. Taniguchi, Chair
Sen. Dwight Takamine, Vice-Chair

FROM: Ed Thompson
ARDA-Hawaii

DATE: Thursday, February 26, 2009
Conference Room 016
9:00 a.m.

RE: **SB 1352, SD1, RELATING TO BUREAU OF CONVEYANCES**

Chair Taniguchi and Members of the Committee:

ARDA-Hawaii is the local chapter of the national timeshare trade association. Hawaii's timeshare industry currently accounts for ten percent of the State's lodging inventory with 7,700 timeshare units and more planned in the future.

ARDA-Hawaii supports SB 1352, SD1, which would transfer fee simple time share interest from the land court system to the regular system and establishes a working group to resolve implementation issues. The bill also establishes a pilot program to implement electronic recording of fee time share interests and allows the Bureau of Conveyances to charge a fee for deregistration of a fee time share interest.

Currently every timeshare owner is issued a certificate of title which amounts to thousands of individual owners. This measure will help to streamline the registration process while maintaining adequate protection of ownership.

Thank you very much for the opportunity to offer testimony in support of this measure.

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

GOVERNMENT RELATIONS TEAM:

GARY M. SLOVIN
CHRISTOPHER G. PABLO
ANNE T. HORIUCHI
MIHOKO E. ITO

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
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TELEPHONE (808) 547-5600 • FAX (808) 547-5880
info@goodsill.com • www.goodsill.com

INTERNET:

gslovin@goodsill.com
cpablo@goodsill.com
ahoriuchi@goodsill.com
meito@goodsill.com

MEMORANDUM

TO: Senator Brian T. Taniguchi
Chair, Committee on Judiciary and Government Operations

FROM: Mihoko Ito

DATE: February 25, 2009

RE: **S.B. No. 1352, S.D.1 – Relating to Bureau of Conveyances
Hearing on Thursday, February 26, 2009 at 9:00 a.m. in Room 016**

Dear Chair Taniguchi and Members of the Committee:

I am Mihoko Ito, testifying on behalf of Wyndham Worldwide. Wyndham Worldwide offers individual consumers and business-to-business customers a broad suite of hospitality products and services across various accommodation alternatives and price ranges through its portfolio of world-renowned brands. Wyndham Worldwide has substantial interests in Hawaii that include Wyndham Vacation Ownership, with its new resort at Waikiki Beach Walk.

We support S.B. 1352, S.D.1, which removes fee simple time share transactions from the Land Court System, establishes an employer-employee working group to facilitate the changes to the system, authorizes a recording fee for Bureau of conveyance transactions establishes a pilot program to implement electronic recording of fee simple time share interests.

The removal of fee simple time share transactions from the Land Court System would eliminate the need to issue a certificate of title for each fee simple time share unit for each owner. The number of owners for a fee simple time share ranges from hundreds to thousands, and each owner has a percentage interest in the time share property. S.B. 1352, SD1 and the added provisions to implement the changes would ultimately streamline the registration process for fee simple timeshare interests and, for this reason, we ask for your favorable support.

Thank you very much for the opportunity to submit testimony.

Testimony of the undersigned employee of the
Bureau of Conveyances

Before the Senate Committee on
JUDICIARY AND GOVERNMENT OPERATIONS

Thursday, February 26, 2009
9:00 a.m.
State Capitol, Conference Room 016

In consideration of
SENATE BILL 1352 SENATE DRAFT 1
RELATING TO THE BUREAU OF CONVEYANCES

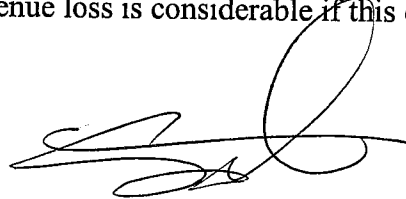
Senate Bill 1352, Senate Draft 1 proposes that time share recordings be removed from Land Court registration and recorded in the Regular System.

This, in itself is a loss of revenue of at least \$500,000.00 but closer to a \$1M to the general fund. It also has no effect on the recording time of a time share document. Time shares record in the same expedient way as any other recording.

This bill also proposes establish a pilot program for electronic filing. I am in support of this portion of the bill as long as the computer infrastructure is in place before the pilot program can begin. Without capable hardware, a capable software program and support programs, staffing and a solid plan, this proposal is doomed for failure.

Land Court is a viable and reliable system for recording and has established itself as such. To allow landowners the option to remove their land from this system will further the erosion of the state's ability to guarantee title. More importantly, with the economic hardships the State is experiencing, this will cause a greater revenue deficit. The removal of this recording system will cost the State in the millions of dollars.

I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.



Scott Harg

2009 FEB 25 AM 7 40

Testimony of the undersigned employee of the
Bureau of Conveyances

Before the Senate Committee on
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Dawn Nagahara

2/25/09

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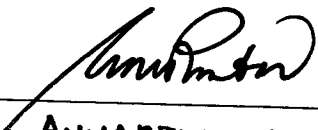
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ANNABELLE RAMBAUD

FEB. 25, 2009

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Randy C Q Lum

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2/25/09

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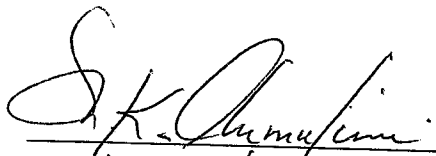
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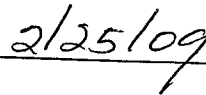
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M.K. OTHMANUKANI


2/25/09

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Theodore Wong
THEODORE WONG

1/25/09

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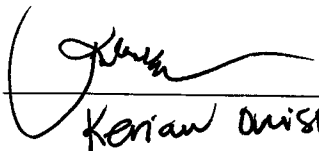
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Kerian Orishi

2/25/09

Testimony of the undersigned employee of the
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Imelda Libao

2/25/09

IMELDA LIBAO

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.



Virginia O. Tackett

2/25/09

Testimony of the undersigned employee of the
Bureau of Conveyances

Before the Senate Committee on
JUDICIARY AND GOVERNMENT OPERATIONS

Thursday, February 26, 2009
9:00 a.m.
State Capitol, Conference Room 016

In consideration of
SENATE BILL 1352 SENATE DRAFT 1
RELATING TO THE BUREAU OF CONVEYANCES

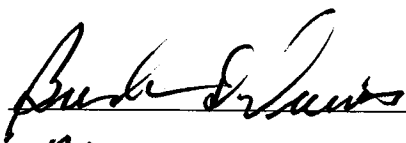
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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.



BRENDA D. UIEANES



2/24/09

Testimony of the undersigned employee of the
Bureau of Conveyances

Before the Senate Committee on
JUDICIARY AND GOVERNMENT OPERATIONS

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9:00 a.m.
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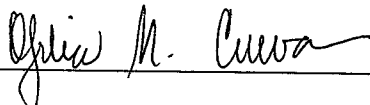
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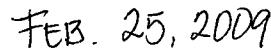
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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.



OFELIA N. CUEVA



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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Linda Gomes

Linda Gomes 2-25-09

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Zelei Abordo
Zelei Abordo

2/25/09

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Kaunilani J. Lambert 2/25/09
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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Shirlene Miyashiro
SHIRLENE MIYASHIRO

2-25-09

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I am ^{deeply} opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Elaine E. Tokimasa
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2-25-09

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Susan Cummings

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2-25-09

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.



KARLA L. ACHIU 2/25/09

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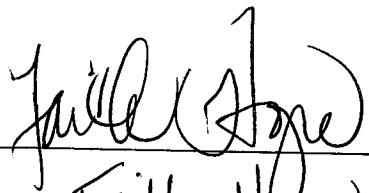
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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.



Faith Hope

FEB 25 2009

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Donna M. Lauriano
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2/25/09

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Emma E. Aguilar

2/25/09

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Alfonso M Remonet

2-25-09

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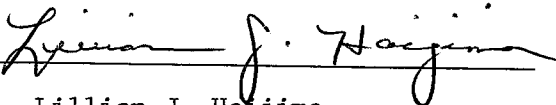
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 2/25/09

Lillian J. Haljima

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Lolita Perlawan

LOLITA PERLAWAN

2/25/09

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Jolynn T. Kapeliela
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02/25/09

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

Kinau K. Alber

FEB 25 2009

Kinau K. Alber

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.



Valerie K. Germano

2/25/09

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I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

NAW A. SUZUKI *NAW A. Suzuki* 2-25-09

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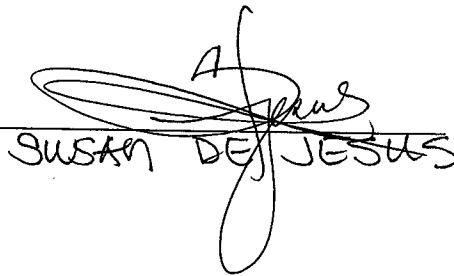
This, in itself is a loss of revenue of at least \$500,000.00 but closer to a \$1M to the general fund. It also has no effect on the recording time of a time share document. Time shares record in the same expedient way as any other recording.

This bill also proposes establish a pilot program for electronic filing. I am in support of this portion of the bill as long as the computer infrastructure is in place before the pilot program can begin. Without capable hardware, a capable software program and support programs, staffing and a solid plan, this proposal is doomed for failure.

Land Court is a viable and reliable system for recording and has established itself as such. To allow landowners the option to remove their land from this system will further the erosion of the state's ability to guarantee title. More importantly, with the economic hardships the State is experiencing, this will cause a greater revenue deficit. The removal of this recording system will cost the State in the millions of dollars.

I am opposed to this Senate draft. The revenue loss is considerable if this draft is passed.

2/24/09


SUSAN DEJESUS

Testimony of the undersigned employee of the
Bureau of Conveyances

Before the Senate Committee on
JUDICIARY AND GOVERNMENT OPERATIONS

Thursday, February 26, 2009
9:00 a.m.
State Capitol, Conference Room 016

In consideration of
SENATE BILL 1352 SENATE DRAFT 1
RELATING TO THE BUREAU OF CONVEYANCES

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ARSENIA BASA

2-25-09

Arsema Basa

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Ernest Hong Feb. 25, 2009
ERNEST HONG

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Michelle Pang

2-25-09

MICHELLE PANG

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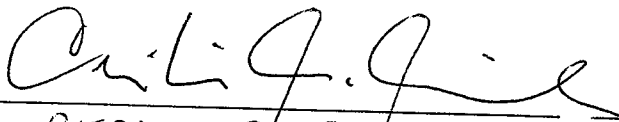
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CECILIA G. CRUM

feb. 25, '09

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Annette Yoshida
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2/25/09

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