

STAND. COM. REP. NO.

1003

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 268  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Commerce and Consumer Protection and  
Judiciary and Government Operations, to which was referred H.B.  
No. 268, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAND COURT,"

beg leave to report as follows:

The purpose of this measure is to require the Assistant  
Registrar of the Land Court to provide an image and index of all  
instruments that contain real property transactions to the  
Administrator of the City and County of Honolulu's Real Property  
Assessment Division so that the Division may serve as a  
clearinghouse for real property information.

Your Committees received testimony in support of this measure  
from the County of Hawaii, the City and County of Honolulu, the  
County of Kauai, and the County of Maui. Testimony in opposition  
of this measure was received from the Department of Land and  
Natural Resources. Written testimony presented to your Committees  
may be reviewed on the Legislature's website.

Your Committees find that this measure will help the counties  
to accurately assess real property taxes as well as to comply with  
their obligations to maintain accurate records and provide public  
notification of changes in land use and zoning. Your Committees  
note that the counties currently experience a productive, if  
informal, working relationship with the Office of the Assistant  
Registrar of the Land Court. This measure will allow the counties



and the Office of the Assistant Registrar to continue those relationships as they currently stand, regardless of changes in administration or personnel.

Your Committees further note the opinion of the City and County of Honolulu that a legislative directive to a specific county is an erosion of the counties' home rule powers. Without taking a position on this issue, your Committees recognize the authority of the counties to exercise self-governance, to the extent authorized by the Legislature.

Your Committees have amended this measure by:

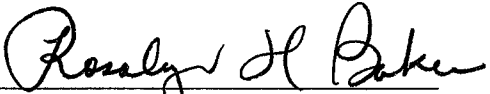
- (1) Clarifying that the counties may agree to delegate information-gathering and distribution responsibilities to a single county pursuant to memorandum of understanding among the several counties;
- (2) Clarifying that the time limit imposed on the Land Court to deliver or forward the records may be waived in the event of technical computer malfunction that creates an unforeseen delay;
- (3) Specifying that neither the Land Court nor the Real Property Assessment Administrator is obligated to provide information free of charge to a requestor other than a county;
- (4) Changing the effective date to upon approval; and
- (5) Making technical, nonsubstantive changes for the purpose of clarity and accuracy in the language of this measure.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 268, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 268, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Commerce and  
Consumer Protection and  
Judiciary and Government  
Operations,

  
BRIAN T. TANIGUCHI, Chair

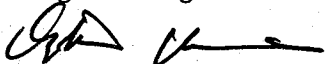
  
ROSALYN H. BAKER, Chair





The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 268, HD1	CPN / JGO, WAM	3/23/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes