

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WATER AND LAND

Wednesday, February 15, 2017
3:00 P.M.
State Capitol, Conference Room 414

In consideration of
SENATE BILL 987
RELATING TO RECORDATION TRANSACTION FEES

Senate Bill 987 proposes to amend Act 120, Session Law of 2009 (Act 120), to: 1) apply the \$5 transaction fee now being collected on each recording in the Bureau of Conveyances (Bureau) to include collection on each filing in the Land Court; 2) expanding the uses of this transaction fee for records management improvements; and 3) clarifying the repeal date. **The Department of Land and Natural Resources (Department) strongly supports this Administration measure.**

Act 120 intended to provide the necessary funding to correct serious shortcomings at the Bureau identified by the Joint Legislative Investigative Committee under Senate Concurrent Resolution No. 226 (2007). To date, as a result of the Act, the Bureau has significantly improved the automation and integrity of the recording process, established web and digital access to parts of the Bureau's database and records, and created the portal and process for the electronic recording of documents. Future key improvement projects include completing digitizing, protecting and accessibility to the Bureau's records and maps, enhancing the Land Records Management System that processes an estimated 325,000 documents recorded annually, and establishing a critical disaster recovery plan that can continue the Bureau's operation in times of an emergency.

This bill proposes to expand the source and authorized use of these transaction funds to address many of the evolving issues that the Bureau now faces: improving digitization; resolving critical operational shortfalls with the current Land Records Management System; improving workflow processes for both daily and historical records certification; and preserving physical records.

Additionally, this bill proposes to clarify repeal on the earlier to occur of a designated sunset date or the date a transaction fee is established in the Bureau's administrative rules.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
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

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 3:51 PM
To: WTL Testimony
Cc: mdelossantos@honolulu.gov
Subject: Submitted testimony for SB987 on Feb 15, 2017 15:00PM

SB987

Submitted on: 2/13/2017

Testimony for WTL on Feb 15, 2017 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Delos Santos	Individual	Support	No

Comments: While I am not qualified to give an opinion as to the amount of revenue that must be generated in order to fully implement the digitization of the Bureau of Conveyances' and Assistant Registrar's records, secured maintenance of the digital archive, and restoration and maintenance of the original sources, I am in full support of those aims, which passage of this bill will help accomplish. The deterioration of many of the original books (containing documents and indexes) has reached an appalling level. I was very heartened when I first learned that steps were being taken to digitize their contents, and restore and preserve the books themselves. As a government (City) employed abstractor, most of the research I and my colleagues (both City and State abstractors) do involves reviewing the indexes and documents that are housed at the Bureau of Conveyances (private title companies, as you probably know, have long since digitized these resources). Ironically, the compromise of these resources would considerably impact the government itself. It goes without saying the the most serious impact would be on the public, who have no recourse other than to enlist the costly services of title companies or attorneys. Full public access to these public records absolutely must be guaranteed. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 11:47 AM
To: WTL Testimony
Cc: lhirano@tghawaii.com
Subject: Submitted testimony for SB987 on Feb 15, 2017 15:00PM

SB987

Submitted on: 2/14/2017

Testimony for WTL on Feb 15, 2017 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Lorrin Hirano	Title Guaranty of Hawaii Inc.	Support	No

Comments: Title Guaranty supports the intent of Senate Bill 987. The additional funding will enable the Bureau of Conveyances to update and efficiently process their records.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 2:54 PM
To: WTL Testimony
Cc: hkanehailua@ortc.com
Subject: *Submitted testimony for SB987 on Feb 15, 2017 15:00PM*

SB987

Submitted on: 2/14/2017

Testimony for WTL on Feb 15, 2017 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Harry Kanehailua	Hawaii Land Title Assoc.	Support	No

Comments:

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The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Water and Land

Conference Room 414, State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: S.B. 987, Relating to Recordation Transaction Fees

HEARING: Wednesday, February 15, 2017, at 3:00 p.m.

Dear Chair Rhoads, Vice Chair Gabbard, members of the Senate Committee on Water and Land,

My name is Ede Fukumoto and I am a title and genealogy researcher with the Native Hawaiian Legal Corporation.

I am testifying in support of S.B. 987

This bill will allow the Bureau of Conveyances (Bureau) to continue the improvements started under Act 120 and to further their digitization, preservation and automation efforts for recorded documents as well as to support the modernization of the Bureau's systems, operations and increased accessibility to the public records. Being the State's only recording office which is responsible for all documents regarding property ownership in the State of Hawaii, it is imperative that proper funding that this bill can provide is continued to ensure the Bureau's mission of timely, accurate, permanent and accessible recordings of documents and maps for the entire State.

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

Ede Fukumoto
Native Hawaiian Legal Corporation
edfukumo@nhlchi.org

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 1:39 PM
To: WTL Testimony
Cc: nmsgarces@gmail.com
Subject: Submitted testimony for SB987 on Feb 15, 2017 15:00PM

SB987

Submitted on: 2/14/2017

Testimony for WTL on Feb 15, 2017 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Nicolita Garces	Individual	Support	No

Comments: The Honorable Senator Karl Rhoads, Chair The Honorable Senator Mike Gabbard, Vice Chair Members of the Senate Committee on Water and Land Conference Room 414, State Capitol 415 South Beretania Street Honolulu, Hawaii 96813 February 14, 2017 RE: S.B. 987, Relating to Recordation Transaction Fees Dear Chair Rhoads, Vice Chair Gabbard, members of the Senate Committee on Water and Land, Hello, my name is Nicolita Garces. I am the information management officer for a local nonprofit foundation. I am testifying in support of S.B. 987 From my previous work experience at a public university library, ethnic cultural institution and a historical society, it is imperative to preserve and protect the collections as well as have them accessible to the public. At times, we were faced with funding challenges to execute such projects. This bill will allow the Bureau of Conveyances (Bureau) to continue the improvements started under Act 120 and to further their digitization, preservation and automation efforts for recorded documents as well as to support the modernization of the Bureau's systems, operations and increased accessibility to the public records. Being the State's only recording office which is responsible for all documents regarding property ownership in the State of Hawaii, it is imperative that proper funding that this bill can provide is continued to ensure the Bureau's mission of timely, accurate, permanent and accessible recordings of documents and maps for the entire State. Thank you very much for the opportunity to provide testimony in support of this measure. Sincerely, Nicolita Garces

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The Honorable Senator Mike Gabbard, Vice Chair
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RE: S.B. 987, Relating to Recordation Transaction Fees

HEARING: Wednesday, February 15, 2017, at 3:00 p.m.

Dear Chair Rhoads, Vice Chair Gabbard, members of the Senate Committee on Water and Land,

I am Linda Sasaki and have been title searching for about 40 years.

I am testifying in support to S.B. No. 987

Whenever something is wonderfully great, everyone wants a “piece of the action.” That “wonderfully great” is the State of Hawaii or more specifically Hawaii lands. In my 40 years of title searching I have witness many events involving getting that “piece of the action.” Whether they are large corporations, private individuals/investors or obscure descendants of Hawaiian title, the Bureau of Conveyances is the only record source available to resolve this.

The duty of the State of Hawaii Bureau of Conveyances to the public is paramount to maintain and preserve that accuracy and accessibility. I have experienced the pages of the old Grantor/Grantee books falling out and wondered and feared the possibility of missing pages. I’ve also witnessed a distraught and offended person, searching her family title, try to tear out a page for a perceived “misinformation” but was thankfully prevented by a watchful State worker.

When the current Bureau of Conveyance first opened there was enough space for work tables and easy access to the books. The heavy large books are mounted on roller shelves, for easy pull out, has now fallen into disrepair. Coupled with the loss of space, due to the storing of more information, some of these shelves are located, at most, a 2 feet distance from people sitting at the computer stations or standing work tables - a safety hazard and an accident waiting to happen. I’ve fumbled and dropped these books, locate on the top shelves, on my head a few times trying to leverage out the higher placed books without accidentally dropping it on the seated person.

These books and their pages have gotten a bit warped and ragged due to wear and tear and the many decades that the public would generously lick their fingers to turn the pages – a sanitary problem at most? They become even more damaged because they’ve gotten thicker, the covers torn and misshapen due to the pubic forcefully stuffing them back into the shelves.

Digitization and automation and the continual update and improvement of the Bureau of Conveyances would resolve the permanent preservation, accuracy and **safe and easy** accessibility of the land title records and the maps for the State of Hawaii

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

Linda Sasaki
Lsasaki2@hbws.org

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Water and Land

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415 South Beretania Street
Honolulu, Hawaii 96813

RE: S.B. 987, Relating to Recordation Transaction Fees

HEARING: Wednesday, February 15, 2017, at 3:00 p.m.

Dear Chair Rhoads, Vice Chair Gabbard, members of the Senate Committee on Water and Land,

I'm Joan White and I've worked in Real Estate for both private companies and government for 32 years.

I am testifying in support of S.B. 987

This bill will allow the Bureau of Conveyances (Bureau) to continue the improvements started under Act 120 and to further their digitization, preservation and automation efforts for recorded documents as well as to support the modernization of the Bureau's systems, operations and increased accessibility to the public records. Being the State's only recording office which is responsible for all documents regarding property ownership in the State of Hawaii, it is imperative that proper funding that this bill can provide is continued to ensure the Bureau's mission of timely, accurate, permanent and accessible recordings of documents and maps for the entire State.

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

Joan White
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Honolulu, HI 96816
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