A BILL FOR AN ACT

RELATING TO RECORDATION TRANSACTION FEES.

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

1   SECTION 1. Act 120, Session Laws of Hawaii 2009, stemmed

2   from findings by the joint legislative investigative committee

3   established pursuant to Senate Concurrent Resolution No. 226,

4   adopted during the regular session of 2007, which identified

5   serious shortcomings relating to the bureau of conveyances.

6   Section 16 of Act 120, Session Laws of Hawaii 2009,

7   directed the department of land and natural resources to assess

8   a $5 transaction fee to be charged for each recording in the

9   bureau of conveyances and the office of the assistant registrar

10   of the land court for services rendered by the bureau of

11   conveyances in deregistering land and specified that the

12   collected fees be used to support purchases of hardware, system

13   design, and staff training related to automation of the bureau

14   of conveyances.

15   Section 21 of Act 120, Session Laws of Hawaii 2009,

16   specified that Section 16 of Act 120, Session Laws of Hawaii

17   2009, will be repealed on the effective date of administrative

1 rules adopted by the department of land and natural resources

2 that address the establishment of a transaction fee for each

3 recording in the bureau of conveyances and the office of the

4 assistant registrar of the land court.

5   The purpose of this Act is to:

6   (1)   Expand the application of the transaction fee to

7   include all services rendered by the bureau of

8   conveyances and expand the uses of the transaction

9   fee, authorized under Act 120, Session Laws of Hawaii

10   2009, to include purchases of software, project

11   management and implementation, staffing, workflow

12   improvements, and services related to the management,

13   archiving, preservation, and accessibility of records

14   at the bureau of conveyances and the office of the

15   assistant registrar of the land court; and

16   (2)   Clarify that the transaction fee established by this

17   Act shall be repealed on the effective date of

18   administrative rules adopted by the department of land

19   and natural resources that include the establishment

20   of a transaction fee for each recording in the bureau

21   of conveyances and in the office of the assistant

1   registrar of the land court or on July 1, 2023,

2   whichever occurs first.

3   SECTION 2. Section 502-8, Hawaii Revised Statutes, is

4   amended by amending subsection (c) to read as follows:

5   "(c) All moneys in excess of $500,000 remaining on balance

6   in the bureau of conveyances special fund on June 30 of each

7   year shall lapse to the credit of the state general fund;

8   provided that any balance of funds collected pursuant to section

9   16 of Act 120, Session Laws of Hawaii 2009, as amended by

10   section 3 of Act   , Session Laws of Hawaii 2020, shall not

11   lapse to the credit of the state general fund. On July 1 of

12   each year, the director of finance is authorized to transfer any

13   excess funds in the bureau of conveyances special fund to the

14   state general fund."

15   SECTION 3. Act 120, Session Laws of Hawaii 2009, section

16   16, is amended to read as follows:

17   "SECTION 16. As of July 1, 2009, the department of land

18   and natural resources shall assess a transaction fee of $5 to be

19   charged for each recording in the bureau of conveyances and in

20   the office of the assistant registrar of the land court for

21   services rendered by the bureau of conveyances pursuant to [part

1   ~~II of~~] chapter 501 and chapter 502, Hawaii Revised Statutes.

2   The transaction fees collected shall be deposited to the credit

3   of the bureau of conveyances special fund established under

4   section 502-8, Hawaii Revised Statutes, and shall be used [~~to~~

5   ~~support~~] for purchases of hardware[~~,~~] and software, system

6   design, project management and implementation, staffing and

7   staff training, workflow improvements, and services related to

8   [~~automation of~~] the management, archiving, preservation, and

9   accessibility of records at the bureau of conveyances[~~.~~] and in

10   the office of the assistant registrar of the land court."

11   SECTION 4. Act 120, Session Laws of Hawaii 2009, section

12   21, as amended by Act 119, Session Laws of Hawaii 2013, section

13   11, is amended to read as follows:

14   "SECTION 21. This Act shall take effect on July 1, 2009;

15   provided that section 2 of this Act shall take effect on July 1,

16   2011; provided further that section 16 of this Act shall take

17   effect on July 1, 2009, and shall be repealed on the effective

18   date of administrative rules adopted by the department of land

19   and natural resources that [~~address~~] include the establishment

20   of a transaction [~~fees~~] fee for each recording in the bureau of

21   conveyances and in the office of the assistant registrar of the

1   land court [÷] or on July 1, 2023, whichever occurs first;

2   provided further that section 17 of this Act shall take effect

3   on January 1, 2012; and provided further that section 18 of this

4   Act shall take effect upon its approval and shall be repealed on

5   January 31, 2010."

6   SECTION 5. Statutory material to be repealed is bracketed

7   and stricken. New statutory material is underscored.

8   SECTION 6. This Act shall take effect on July 1, 2020.

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INTRODUCED BY: _____

Report Title:
Transaction Fee; Bureau of Conveyances; Land Court

Description:
Expands the uses of the transaction fee for recordings in the bureau of conveyances and land court authorized under Act 120, Session Laws of Hawaii 2009. Applies the fee to all services rendered by the bureau pursuant to chapters 501 and 502, HRS. Repeals the transaction fee upon the earlier of the effective date of adoption of rules by DLNR or July 1, 2023.

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