

**ACT 33**

A Bill for an Act Relating to Recordation by the Bureau of Conveyances.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Presently, the bureau of conveyances, a division of the department of land and natural resources, records as well as file documents. Because both systems are used pursuant to various sections in the Revised Laws of Hawaii, 1955, as amended, the bureau must maintain approximately twelve separate special indexes and files. This method is time consuming and uneconomical in terms of searching title, maintaining appropriate indexes and separate files. To eliminate this, the bureau proposes to record all instruments and index all instruments into the general index. After recordation, the original documents will be returned to the party requesting recordation. In this case, the different indexes and metal file cabinets to house them will not be required.

This method will result in greater efficiency, economy and saving of time.

Since the present laws prevent the recording of all instruments, it is necessary for the purposes of said efficiency and economy to amend the various sections. Therefore, this Act is considered an urgency measure deemed necessary in the public interest.

SECTION 2. Section 115-37.5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

a. By changing the word "filing" in line five of the subsection (c) to the word "recording."

b. By changing the word "file" in line one, subsection (f), to the word "record" and adding the word "file" in line three after the word "vehicle."

c. By adding the words "recording or" or "recorded or", as the case may be, before the word "filing" or "filed" wherever it appears in subsection (d) or (e) and on lines 12, 15 and 18 of subsection (f).

d. By changing the word "filed" in line 20 of subsection (f) to the words "recorded or filed".

e. By deleting from line twenty-two, subparagraph (f), the words, "a book provided for the purpose" and adding in its place the words "the office of the registrar of conveyances."

**SECTION 3.** Section 128-38 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By deleting the second and third sentences of the second paragraph thereof and adding the following in its place:

"When a notice of such tax lien is recorded by a cotenant, the registrar shall forthwith cause the same to be indexed in the general indexes of the bureau of conveyances."

b. By deleting from the fourth paragraph, lines fourteen to seventeen, the words "be entered with the date of filing in the index of such liens on the line or lines where the notice of the lien so discharged is entered," and adding the following words in its place, "which contains the reference to the book and page of the registration of the original lien, be entered in the general indexes of the bureau of conveyances".

**SECTION 4.** Section 230-42 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the words "filing such notice for record" from lines twelve and thirteen of said section and substituting in its place the words "recording such notice".

**SECTION 5.** Section 232-3 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By changing the word "filed" wherever it appears in said section 232-3 to the word "recorded".

b. By amending the fourth sentence of said section 232-3 to read as follows:

"Every release or assignment of judgment shall contain a reference to the book and page of the registration of the original judgment".

c. By changing the word "filing" in line eighteen of said section 232-3 to the word "recording".

d. By deleting the second paragraph of said section 232-3.

**SECTION 6.** Section 232-4 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By changing the word "filed" wherever it appears in said section 232-4 to the word "recorded".

b. By amending the fourth sentence of said section 232-4 to read as follows:

"Every satisfaction or assignment of judgment shall contain a reference to the book and page of the registration of the original judgment".

c. By changing the word "filing" in line fifteen of said section 232-4 to the word "recording".

d. By deleting the second paragraph of said section 232-4.

SECTION 7. Section 233-9 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "filing" in line five of said section to the word "recording".

SECTION 8. Section 233-19 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "filed" in the lines four and five to the word "recorded".

SECTION 9. Section 346-1 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "filed" appearing in line four thereof to the word "recorded".

SECTION 10. Section 346-2 of the Revised Laws of Hawaii 1955 is hereby deleted and the following substituted in its place:

**"346-2. Index of liens.** When a notice of such tax lien is recorded, the registrar shall forthwith cause the same to be indexed in the general indexes of the bureau of conveyances".

SECTION 11. Section 346-3 of the Revised Laws of Hawaii 1955 is hereby deleted and the following substituted in its place:

**"346-3. Certificates of release.** Certificates of release or of partial discharges of any tax lien containing a reference to the book and page of the registration of the original tax lien issued by the collector of internal revenue or other proper officer are entitled to be recorded in the bureau of conveyances. The registrar shall forthwith cause the same to be indexed in the general indexes in like manner as the original lien".

SECTION 12. Section 346-4 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "filing" in line one thereof.

SECTION 13. This Act shall take effect July 1, 1966.

(Approved April 8, 1966.) **H.B. 471.**