

STAND. COM. REP. NO. 212

Honolulu, Hawaii

Feb 12, 2009

RE: H.B. No. 271

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 271 entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to allow the Registrar of the Bureau of Conveyances of the Department of Land and Natural Resources to accept electronic real property conveyance documents with electronic signatures for recording.

More specifically, this measure:

- (1) Establishes that real estate documents filed in electronic form with electronic signatures are as valid as paper documents that are manually signed; and
- (2) Requires the Department of Land and Natural Resources to establish standards to make real property recording effective, and provides guidelines for the development of those standards.

The State Commission to Promote Uniform Legislation submitted testimony in support of the measure. The Department of Land and Natural Resources submitted testimony supporting the intent of the measure, preferring a similar measure.



Currently, the Bureau of Conveyances only accepts original paper instruments with original signatures for recordation in the regular system. This process is time consuming and cumbersome for both the Bureau and filers due to the amount of time required to manually process each recordation.

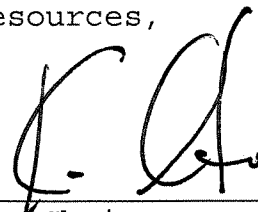
Your Committee finds that increasing efficiency with the recordation process at the Bureau of Conveyances is vital to both the Bureau and the public. Allowing electronic recordation will streamline real estate transactions and help to reduce the backlog and length of time to record these transactions.

Your Committee also finds that adopting the Uniform Real Property Electronic Recording Act, with some modifications, is preferable to other measures that attempt to achieve the same goal. This measure, which was developed by the National Conference of Commissioners on Uniform State Laws in 2004, has been adopted in eighteen states since its inception.

To the extent that this measure is adopted by a greater number of states, it will promote the efficiency and consistency of electronic land recordation for the benefit of people in all adopting states, and also for state agencies, corporations, organizations, and individuals conducting real estate transactions in multiple jurisdictions.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 271 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



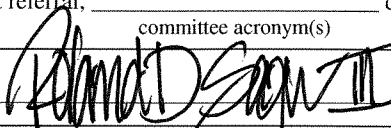
KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 212

Record of Votes of the Committee on Water, Land, & Ocean Resources

| Bill/Resolution No.: HB 271 | Committee Referral: WLO, JUD, FIN | Date: 2-9-09 | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|------------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| WLO Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. ITO, Ken (C) | ✓ | | | |
| 2. HAR, Sharon E. (VC) | ✓ | | | |
| 3. CABANILLA, Rida | ✓ | | | |
| 4. CHANG, Jerry L. | | | | ✓ |
| 5. CHONG, Pono | ✓ | | | |
| 6. COFFMAN, Denny | ✓ | | | |
| 7. HERKES, Robert N. | | | | ✓ |
| 8. LEE, Chris | ✓ | | | |
| 9. LUKE, Sylvia | ✓ | | | |
| 10. MORITA, Hermina M. | ✓ | | | |
| 11. SAGUM, Roland D., III | ✓ | | | |
| 12. CHING, Corinne W.L. | ✓ | | | |
| 13. THIELEN, Cynthia | ✓ | | | |
| TOTAL (13) | 11 | | | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s) | | | | |
| Vice Chair's or designee's signature:  | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |