

STAND. COM. REP. NO. 958

Honolulu, Hawaii

MAR 25 2009

RE: H.B. No. 269
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 Transportation, International and Intergovernmental Affairs, to which was referred H.B. No. 269, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to require the Registrar of the Bureau of Conveyances 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 to this measure was received from the Department of Land and Natural Resources. Written testimony presented to the 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 good working relationship with the Department of Land and Natural Resources. This measure will allow the counties and the Department 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.

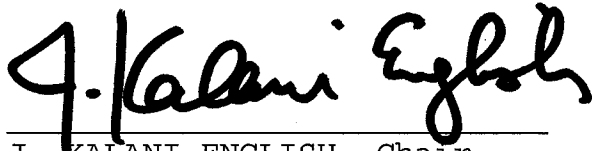
Your Committees have amended this measure by:

- (1) Clarifying that the counties may agree to delegate information-gathering and distribution responsibilities to a single county pursuant to a memorandum of understanding among the several counties;
- (2) Clarifying that the time limit imposed on the Department of Land and Natural Resources for mailing or forwarding the records may be waived in the event of extraordinary circumstances that create an unforeseen delay;
- (3) Specifying that the Department and the county acting as a clearinghouse for collection and distribution of the records are not obligated to provide information free of charge to private interests; and
- (4) 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 Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 269, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 269, 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
Transportation, International
and Intergovernmental Affairs,



J. KALANI ENGLISH, Chair



ROSALYN H. BAKER, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HB 269 HD1	Committee Referral: CPN/TIA, WAM	Date: 03/23/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh				✓
IHARA, Jr., Les				✓
SAKAMOTO, Norman				✓
HEMMINGS, Fred			✓	
TOTAL	3		1	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">David Y. Ige</div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

*Only one measure per Record of Votes