
A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

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

1 SECTION 1. The legislature finds that the State uses two
2 systems for recording legal documents pertaining to the
3 ownership of property, the regular system (via the bureau of
4 conveyances) and the land court. In general, property is
5 recorded in either the regular system or the land court;
6 however, in some circumstances, property is recorded in both
7 systems. The regular system and the land court have different
8 requirements for recording documents. The land court creates
9 barriers to access in the form of delay and increased expenses
10 resulting from the complicated procedures and requirements in
11 the land court. No new properties have been registered in the
12 land court since 1989, which indicates sharp public preference
13 for the regular system.

14 The legislature further finds that the regular system is a
15 race-notice land registration system and does not independently
16 determine the priority or ownership of interests in property.
17 This is one of the reasons why the regular system is preferred



1 by the public. By contrast, the land court system is a Torrens
2 system of land registration, under which title is judicially
3 confirmed and ownership is conclusively established through
4 registration on a certificate of title.

5 The legislature also finds that Act 120, Session Laws of
6 Hawaii 2009, amended chapter 501, Hawaii Revised Statutes, in an
7 attempt to ease the backlog in the bureau of conveyances. Among
8 other things, the amendments allowed owners of interest in land
9 registered in the land court system to transfer the interest to
10 the regular system.

11 Accordingly, the purpose of this Act is to:

- 12 (1) Establish a working group to recommend reforms to
13 effectively eliminate the land court;
14 (2) Require the working group to submit a report to the
15 legislature; and
16 (3) Appropriate funds.

17 SECTION 2. (a) There is established within the judiciary
18 for administrative purposes a working group to recommend the
19 implementation of specific reforms to effectively eliminate the
20 land court.

21 (b) The working group shall:



- 1 (1) Review all references to the land court and related
- 2 provisions throughout the Hawaii Revised Statutes,
- 3 including chapter 501, Hawaii Revised Statutes;
- 4 (2) Identify and analyze operational issues related to the
- 5 land court and the bureau of conveyances;
- 6 (3) Evaluate and make recommendations regarding the timing
- 7 and process for ending the acceptance of new
- 8 applications for registration of title in the land
- 9 court; and
- 10 (4) Develop and recommend proposed legislation to repeal
- 11 the land court system, including making any necessary
- 12 conforming amendments.
- 13 (c) The working group shall consist of the following
- 14 individuals:
- 15 (1) A member of the judiciary, to be designated by the
- 16 chief justice, who shall serve as chair of the working
- 17 group;
- 18 (2) A member of the senate, to be designated by the
- 19 president of the senate;



- 1 (3) A member of the house of representatives, to be
2 designated by the speaker of the house of
3 representatives;
- 4 (4) The chairperson of the board of land and natural
5 resources, or the chairperson's designee;
- 6 (5) The attorney general, the attorney general's deputy,
7 or the attorney general's designee;
- 8 (6) The state land surveyor, or the state land surveyor's
9 designee;
- 10 (7) One or more members of the Hawaii State Bar
11 Association, to be designated by its president, whom
12 the chair shall invite to participate;
- 13 (8) A representative from a bank, mortgage, or lending
14 company doing business in Hawaii, whom the chair shall
15 invite to participate;
- 16 (9) A large landowner or estate landowner of real property
17 located in Hawaii, such as Kamehameha Schools, whom
18 the chair shall invite to participate;
- 19 (10) A representative from the Hawaii Association of
20 REALTORS, whom the chair shall invite to participate;



1 (11) A representative from the Hawaii Land Title
2 Association, whom the chair shall invite to
3 participate; and

4 (12) Any other individuals the chair deems appropriate.

5 (d) The working group shall submit a report of its
6 findings and recommendations, including any proposed
7 legislation, to the legislature no later than twenty days prior
8 to the convening of the regular session of 2029.

9 (e) The judiciary shall provide any necessary
10 administrative support to the working group, including staffing
11 assistance and the preparation and drafting of the report
12 required under subsection (d). The legislative reference bureau
13 shall assist in the drafting of any proposed legislation
14 developed by the working group pursuant to this section.

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2026-2027 for
18 the administrative expenses of the working group established
19 pursuant this Act, including travel and per diem for neighbor
20 island members, if applicable, meeting supplies, and other
21 necessary administrative support.



1 The sum appropriated shall be expended by the judiciary for
2 the purposes of this Act.

3 SECTION 4. This Act shall take effect on July 1, 3000;
4 provided that section 3 shall take effect on July 1, .



Report Title:

Judiciary; Land Court; Bureau of Conveyances; LRB; Real Property; Working Group; Report; Appropriation

Description:

Establishes a working group to recommend the implementation of specific reforms to effectively eliminate the Land Court. Requires a report to the Legislature, including proposed legislation drafted with assistance from the Legislative Reference Bureau. Appropriates funds. Effective 7/1/3000.
(HD2)

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