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SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committees on
JUDICIARY
and
WATER, LAND, CULTURE AND THE ARTS

Wednesday, February 18, 2026
9:00 AM
State Capitol, Conference Room 016

In consideration of
SENATE BILL 2041
RELATING TO REAL PROPERTY

Senate Bill 2041 would repeal the Land Court, transfer its functions to the Bureau of Conveyances, establish a working group to recommend reforms to effectively eliminate the Land Court, require a report to the Legislature, and appropriate funds. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments.**

Hawai'i's Land Court system, established under chapter 501, Hawai'i Revised Statutes, was originally designed to provide certainty in land ownership and title records through a Torrens title registration system. Consolidating land records into a single system under the Bureau of Conveyances would modernize and improve Hawai'i's property title system by reducing redundancies and increasing operational efficiency.

The Department supports section 4 of this measure establishing a working group with diverse stakeholder representation, which will be critical to developing a well-informed and deliberate strategy to consolidate Hawai'i's land recording systems while identifying operational impacts and implementation challenges.

The Department respectfully notes its concerns and requests further discussion regarding Section 5, which proposes transferring Land Court responsibilities to the Bureau of Conveyances. As the Land Court includes programs within both the Judicial and Executive Branches, any transfer of responsibilities and/or staff would require careful evaluation or possibly reconsideration by the respective Branches.

Mahalo for the opportunity to comment on this measure.



The Judiciary, State of Hawai'i
Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Senate Committee on Water, Land, Culture and the Arts
Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair

Wednesday, February 18, 2026, 9:00 a.m.
State Capitol, Conference Room 016 & Videoconference

By
Michelle D. Acosta
Deputy Chief Court Administrator
Hope Luna Lawelawe Hana Nui 'Aha Ho'okolokolo
First Circuit
Ka'apuni 'Ekahi

Bill No. and Title: Senate Bill No. 2041, Relating to Real Property.

Purpose: Repeals the Land Court. Transfers functions of the Land Court to the Bureau of Conveyances. Establishes a working group to recommend the implementation of specific reforms to effectively eliminate the Land Court. Requires a report to the Legislature. Appropriates funds.

Judiciary's Position:

Senate Bill No. 2041 seeks to amend the land registration process by repealing the Land Court system and transitioning all recorded documents to the regular system. It further seeks to establish a working group to recommend reforms to effectively eliminate the Land Court and require the working group to submit a report of its findings and recommendations to the Legislature, and transfers all rights, powers, functions, and duties of the Land Court to the Bureau of Conveyances.



Senate Bill No. 2041, Relating to Real Property
Senate Committee on Judiciary
Senate Committee on Water, Land, Culture and the Arts
Wednesday, February 18, 2026 at 9:00 a.m.
Page 2

The Judiciary does not take a position on the intent of this measure. However, the Judiciary offers the following comments.

The Judiciary respectfully requests clarification regarding the application of Section 5 of this measure, particularly as it relates to the proposed transfer of civil service employees who currently perform Land Court functions. The four (4) tenured positions within the Land and Tax Appeal Court operate as an integrated judicial unit responsible not only for the review and processing of Land Court petitions, but also for providing direct adjudicatory support to the court. These functions include the management of contested petition calendars; drafting of orders; maintenance and certification of official court records; administration of the statewide Tax Appeal Court; trial calendaring; preparation of appellate and trial records; coordination with litigants, counsel, and government agencies; and direct support to the designated judge in contested matters involving land registration and tax disputes.

Collectively, these duties are judicial in nature and extend well beyond ministerial or recording functions. Transferring these positions would materially impact court operations, as these personnel and functions are essential to the Judiciary's ability to manage contested proceedings, maintain the integrity of court records, and ensure the timely administration of justice. Accordingly, the Judiciary believes that these positions must remain within the Judicial Branch to support ongoing court operations.

The Judiciary further notes that thoughtful strategic planning is critical to ensure the successful and meaningful implementation of this measure. Establishing a working group composed of relevant stakeholders to conduct a comprehensive study and provide recommendations would serve as an important first step toward effective information sharing, collaborative policy development, and the identification and analysis of operational implications affecting both the Judiciary and the Bureau of Conveyances.

The Judiciary remains committed to collaborating with stakeholders to achieve the Legislature's intent of this important reform.

Thank you for the opportunity to provide testimony on Senate Bill 2041.



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 1259 A'ala Street, Suite 300
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February 18, 2026

The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Chris Lee, Chair
Senate Committee on Water, Land, Culture and the Arts
State Capitol, Conference Room 016 & Videoconference

RE: Senate Bill 2041, Relating to Land Court

HEARING: Wednesday, February 18, 2026, at 9:00 a.m.

Aloha Chair Rhoads, Chair Hashem, and Members of Joint Committees:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports the intent** of Senate Bill 2041, which repeals the Land Court. Transfers functions of the Land Court to the Bureau of Conveyances. Establishes a working group to recommend the implementation of specific reforms to effectively eliminate the Land Court. Requires a report to the Legislature. Appropriates funds.

The Land Court provides a high level of certainty through a rigorous verification process in establishing clear and undisputed land title. On the other hand, it can be an expensive and time-consuming process. As such, we appreciate the opportunity to serve on the Working Group regarding this matter.

Mahalo for the opportunity to provide testimony on this measure.





Mortgage Bankers Association of Hawaii
P.O. Box 4129, Honolulu, Hawaii 96812

February 13, 2026

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

The Honorable Chris Lee, Chair
The Honorable Lorraine Inouye, Vice Chair
Members of the Senate Committee on Water, Land, Culture and the Arts

Hearing Date: February 18, 2026
Hearing Time: 9:00am
Hearing Place: Hawaii State Capitol, Conference Room 016

Re: SB 2041 Relating to Real Property

I am Victor Brock, representing the Mortgage Bankers Association of Hawaii ("MBAH"). The MBAH is a voluntary organization of individuals involved in the real estate lending industry in Hawaii. Our membership consists of employees of banks, savings institutions, mortgage bankers, mortgage brokers, financial institutions, and companies whose business depends upon the ongoing health of the financial services industry of Hawaii. The members of the MBAH originate and service, or support the origination and servicing, of the vast majority of residential and commercial real estate mortgage loans in Hawaii. When, and if, the MBAH testifies on legislation or rules, it is related only to mortgage lending and servicing.

The MBAH **strongly supports** SB 2041. We commend the legislature for addressing the inefficiencies of having two recording systems in the State, and we strongly support the mandate of "repealing the land court system and transitioning all recording documents to the regular system", the creation of a working group to resolve transition related issues, and the appropriation of funds, as proposed in this Bill

The MBAH is happy to participate in the working group, as proposed in this Bill.

Thank you for the opportunity to present this testimony.

Victor Brock
Mortgage Bankers Association of Hawaii

LATE

SB-2041

Submitted on: 2/17/2026 10:47:18 PM

Testimony for WLA on 2/18/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Young	Testifying for CARES	Support	Remotely Via Zoom

Comments:

Wishing to comment, view my live tesitmony.

SB-2041

Submitted on: 2/11/2026 1:30:08 PM

Testimony for WLA on 2/18/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Comments	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry COMMENT

Combining the 2 departments makes fiscal/financially sense for the SOH budget. However, keeping its interigerty and proper function in land court transactions.

2041 SB RELATING TO REAL PROPERTY.

SB-2041

Submitted on: 2/14/2026 8:13:43 PM

Testimony for WLA on 2/18/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support SB2041.

WRITTEN TESTIMONY RE: SB 2041

SENATE JUDICIARY COMMITTEE

AND

SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

February 18, 2026; 9:00 a.m.

LATE

My name is Frank T. Kanemitsu, Esq. I am an attorney licensed to practice in the State of Hawaii. An area of my practice is estate planning and probate and assisting clients with the conveyance of regular system and land court system real property. I am also a member of the Standing Committee on the Uniform Probate Code and Probate Court Practices of the Judiciary of the State of Hawaii (the "Probate Committee"). The Probate Committee was organized pursuant to Resolution No. 91-25, adopted by the sixth annual Hawaii State Judicial Conference. These comments represent my personal opinion and are not of the Probate Committee.

I SUPPORT SB 2041.

In my nearly forty years of practice in Hawaii, I have found the land court system to be inappropriately burdensome and uncoordinated in its approach to administering "registration" of real property under the land court system to the detriment of property owners.

My experience with the land court system is from a non-real estate development related practice; simply conveying real property for clients. When attempting to amend a Certificate of Title for a land court system property there is a two-step process that all parties must follow. First, a petition must be filed with the Judiciary branch of the land court system. Upon approval of the petition, the Registrar of the Judiciary branch of land court will issue an order. The land court order is then submitted to the Bureau of Conveyances branch of the land court system for recordation.

Examples that require amendments to the Certificate of Title are divorce, marriage, name change, or death of titleholder. Another common example is noting the death of a trustee for a revocable living trust and the succession of a successor trustee. These are examples of incontrovertible events that require amendment to a Certificate of Title, yet are subject to the backlog affecting all parties with land court property.

A backlog exists with the review of the petitions filed with the Judiciary branch of the land court system. The backlog has improved recently, nevertheless, clients are advised of the delay, which may impact their ability to transfer the real property.

The second step in the two-step process is recording the order granting the petition issued by the Judiciary Branch of the land court system. There are instances where the

Bureau of Conveyances branch of the land court system may find the form of the order granting the petition issued by the Judiciary Branch of the land court system unacceptable, requiring an amendment to the order. The failure of the Judiciary branch of the land court system to work together with the Bureau of Conveyances branch of the land court system is a failure to serve the taxpayers of the State.

Additionally, it is often difficult to explain to clients the four-to-five-year delay in receiving the original signed deed conveying property in the land court system. Then there is the confusion by clients upon receipt of the recorded original deeds several years later. Occasionally, I have received calls from the Bureau of Conveyances of the land court system regarding a deed recorded several years ago. How is it possible to rely on the land court system with the aforementioned deficiencies?

Respectfully submitted this 17th day of February, 2026.

/s/ Frank T Kanemitsu